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The Solicitors' Journal.

LONDON, FEBRUARY 25, 1865.

THE FUSION OF LAW AND EQUITY is a subject which has, of late years, attracted the attention of law reformers, and a very instructive case, which was recently decided by the Civil Tribunal of Fontainebleau, confirms the opinion frequently expressed that we may, from the practice of the French courts, learn much that will be useful in dealing with this question. An action was brought by M. Pourchet, a judge of the Lyons Tribunal of Commerce, and a noted amateur of paintings, against Mdlle. Rosa Bonheur, the celebrated painter. From the statement of counsel, it appeared that in December, M. Pourchet requested Mdlle. Bonheur to execute for him a painting in the style of her "Horses Ploughing." The artist expressed her readiness to accede to M. Pourchet's demand, and fixed the price for the proposed painting at from 8,000f. to 10,000f., which that gentleman consented to pay. Ever since that time M. Pourchet has been vainly expecting the execution of the contract; and having at last become urgent in his demands, Mdlle. Bonheur informed him that he should not have "an inch of her canvass." M. Pourchet consequently commenced the present proceedings to compel the execution of the contract, or the payment of 15,000f. as damages. The tribunal decided that, as it was evident from the correspondence which had passed between the plaintiff and defendant, that the latter had freely contracted to execute a certain painting, but without fixing any precise time for its delivery, that she was bound to fulfil her engagements and the tribunal was competent to fix the time for its performance; it accordingly ordered that the painting should be delivered within six months from the notification of the present judgment, and that the defendant, after the expiration of that term, should pay twenty shillings for every day's delay during three months, after which time further remedy should be provided.

That this kind of jurisdiction is very much required in this country, a little consideration of the judgment of Vice-Chancellor Wood in *Peto* v. *The Uckfield, &c., Company* 1 Hem. & Mil. 468, will be sufficient to show.

In that case his Honour elaborately reviewed the previous cases with a view of showing that his hands were most unwillingly tied; the Court had no means of compelling the making of a railway, and therefore could not compel the defendants to give the plaintiff a contract for that purpose, which they had agreed to do.

If the Court of Chancery could have imposed a heavy daily fine on the non-completion of the contract, it might have seen its way to make the order asked for, which the learned judge was most desirous of doing if he could.

Though the terms "Equity" and "Common Law," are not exactly applicable to French procedure, yet something analogous to that which these terms signify amongst us must exist in every civilized State, and accordingly we may fairly say that here we have the equitable jurisdiction fixing a time for the completion of a contract, and decreeing its specific performance, and the common law jurisdiction fixing an amount of damages to be paid in case of non-performance. The proceeding is apparently much less complex than it would be in our courts; but our ignorance of the arcana of French procedure prevents our feeling any certainty on this point. One thing alone is certain, every court of competent jurisdiction to entertain any matter at all, ought also to have jurisdiction to meet every variety of form which it may assume. Defendants will then know that they will be caught *quacunque via*, and must comply with the decision of the Court in one way or the other, instead of relying, as they too frequently do with success, on the chance that to "some other court" may be relegated the duty of dealing with the case. We do not in this mean in the least to propose (as the late Lord Campbell did in respect of the superior courts at Westminster) that *every* court of civil judicature should have power to entertain *every* class of case; we have already * given our reasons for holding a different opinion, from which we see no reason to withdraw; but we feel as strongly as the most extreme "fusionist" the necessity, if our judicial system is to be put on a reasonable footing, of securing to every *plaintiff* who has *properly* selected his court in the first instance, that that Court will be able to give him every remedy that any or all the courts of justice in England could do; and to every *defendant*, that *whatever* court he may be summoned before will be able to entertain and give its due weight to every matter of defence whatever, which he may have to urge.

OUR READERS WILL FIND in our Parliamentary columns this week, the upshot of the crusade against "fees to Parliamentary counsel," which we noticed some time since.†

Parturiunt Montes, &c.—If Mr. Gibson's information be correct, and we have no reason to doubt it—the sole result will be, that some persons desiring to oppose in respect of small interests, will be enabled to do so by the aid of counsel who are not overburdened with work anywhere. Those who are in full work elsewhere will not be induced to leave their "regular hunting-grounds" except for special fees, and we have already shown, we think conclusively, that no counsel can afford to devote himself to this particular branch except on terms such as have hitherto existed.

THE CHANCELLOR OF THE EXCHEQUER, with the *vis inertiæ* which he is so eminently capable of exercising, is carrying out the policy he laid down for himself in his note to the *Times*, and which was published in that paper on the 6th of August last year, on the subject of the collection of legacy and succession duties, and on which we made some comments at the time.‡ On Monday last Mr. Locke King in his place in Parliament asked the Chancellor of the Exchequer whether he had directed the Board of Inland Revenue to take the evidence of professional men and of the public generally, upon any improvements in the present mode of collecting and assessing legacy and succession duties; also whether, through the same sources, he had ascertained if any and what grievances exist.

The Chancellor of the Exchequer replied that "the "Board of Inland Revenue had no authority, nor could "he give them any, to apply generally for the evidence "of professional men in regard to collecting and assessing the legacy and succession duties. It would, however, be very agreeable to the Government or to the "board to receive the assistance of any professional men "who were likely to conduct these inquiries. With respect to the latter part of the question he had no doubt "the means of knowing what were the grievances complained of. The Government and the Board of Inland "Revenue were cognizant of the additional charge, for "instance, over and above the duties themselves. They "were, of course, in contact with a body of professional "men whose duty it was to conduct that part of the business on the part of their clients, and it was probably "known to the hon. gentleman that considerable discussion took place last autumn in the public journals, "which had the effect of drawing general attention to "the subject. A certain number of particular cases "had been brought before him in connexion with the

* 4 Sol. Jour. 657. † 8 Sol. Jour. 849. ‡ 8 Sol. Jour. 819.

"correspondence inserted in the public journals, and the "communications which he had had with the parties on "the subject of these complaints had pretty well opened "to the Government the difficulties that occurred in the "administration of the law. That correspondence had "not all been brought to a conclusion, but, as it was of "a public character, there would be no objection, when "it was finished, to lay it upon the table. He believed "that the result of the inquiry would be to show that "the principal part of the difficulty was inherent in the "nature of the law and of such taxes. These taxes were "more obviously justifiable in principle than, perhaps, "any other, but in their administration they were neces- "sarily attended with considerable difficulty. However "he entertained the hope that in revising a complicated "system of procedure in an office of that kind, after a "long period had elapsed since a review, it might be "found possible to introduce many practical improve- "ments which would afford some satisfaction and "relief."

Judging from this speech, we have very little to expect from the tender mercies of Mr. Gladstone. When the correspondence is completed there will be no objection to lay it upon the table. Will that completion take place before the end of the session, and, if not, will any steps be taken to revise the very objectionable mode of book-keeping now in use in the Inland Revenue Office? Although a dark hint is given by Mr. Gladstone that the "complicated system of procedure" is about to be revised, we have no guarantee that such an event will happen in our time, and certainly no promise is given that the Government will be the first to move in the matter, and no hint of the nature of the intended revision.

Ever since the storm raised last autumn by angry executors and solicitors writing to the newspapers, the public and the profession have waited quietly, hoping, nay indeed, believing, that some inquiry would be set on foot, or some measure taken for applying an immediate and suitable remedy for the evils complained of; but Mr. Gladstone may rest assured that those who have been thus peaceful, know they have a good case and intend to have justice done to them, and that unless a remedial measure is initiated, and that speedily, complaints will be renewed with much greater vehemence than formerly. By the charges that have been publicly made, the system and its administrators have been put on their trial, and the public service rests under the imputation of abuses which it is the duty of the Government to inquire into, and, if necessary, reform.

THE FOLLOWING SOMEWHAT ORIGINAL LETTER has been addressed to the editor of the *Times*:—

Sir,—With reference to the complaint made by your reporter in the *Times* of Tuesday, as to the paucity of judges in proportion to the present population of England and Wales, I beg leave to remind you that in Ireland we are favoured with twelve judges, or, in round numbers, with nearly two judges to every million of the inhabitants.

If the same proportion were observed on your side of the Channel, you should have thirty judges instead of fifteen; and I venture to say, putting the comparative amount of crime in the two countries out of the question, that in England, where trade and commerce flourish to an extent unparalelled, hundreds of civil actions must arise which can never occur in Ireland; so that if you had thirty judges in London there would be more work for them to do than there is for twelve judges in Dublin.

To remedy this anomalous state of things I would suggest, inasmuch as a place, and an Irish place above all others, once created, cannot of course be abolished, that four of the Irish judges be transferred to the English bench, and that in future the number of judges be in England nineteen, four of them to be chosen from the Irish bar, and in Ireland eight.

This reform would save the time and pockets of English suitors, and the public money would not be paid for judicial services without an equivalent.

We have also in Dublin three judges in the Landed Estates Court, and a large staff. There are now very few sales, but the business, I understand, is said to be overwhelming.

The proposition, though not, we think, either very workable or very just in its present form, contains the germ of a reform much to be desired.

If our readers will take the trouble to refer to an article which appeared in this Journal a few months ago,* they will find the principle that the Courts in England and Ireland, administering, as they do, substantially the same laws on identically the same principles, ought to be effectively amalgamated, a proceeding which, if fairly carried out, would be found to afford a complete remedy for the evils, both in England and Ireland, complained of. We have never been amongst those who thought that the judicial bench in England is not sufficiently numerous, though we admit that, owing to bad arrangements and faulty division of labour, it is at present over-worked. The last number of the *Law Magazine* contains an excellent paper on this subject by Mr. James Walter Smith, which was read at the meeting of the National Social Science Association, at York, last year, in which the author sketches an arrangement, whereby the existing fifteen judges could do all the work at present performed by them, and more, and yet have 180 days per annum each for his ease and recreation. Without entirely agreeing with the *details*, either of Mr. Smith's proposal, or of another scheme which was suggested lately in our columns,† we think it clear that the *principle* advocated is the right one—the only principle upon which any satisfactory reform of the common law courts can proceed; a re-adjustment of judicial functions, and entirely new division of labour. But if this principle be good for the superior courts at Westminster *inter se*, it is equally applicable as between those courts and the corresponding courts in Dublin; and thus the desired equalisation of work would be effected without perpetrating the absurdity of making a professional life in one country a condition precedent to a judicial life in the other.

The details of the proposed amalgamation might well be left for future adjustment; we have, however, made some calculations, tending to show how the scheme would work, both as regards the time of the judges, and the local distribution of business, which we hope to take an early opportunity of submitting for the consideration of our readers.

THE FOLLOWING SINGULAR CASE, and still more singular procedure by the Court, has occurred in Scotland. It is the case of *Livermore* v. *Duncan*, in which the plaintiff, a widow, sues for damages in consequence of the death of her husband having been caused by a collision on the Thames, for which the defendant was alleged to be responsible as the owner, though not the master, of one of the vessels. The defendant being a Scotchman, the action had to be brought in the Court of Session; but, as the occurrence had taken place in England, the action had to be laid under Lord Campbell's Act, 9 & 10 Vict. c. 93, by which alone liability arises in English cases of this kind. The usual pleading having been filed, or, as they say in Scotland, "the record having been made up," issue was joined, or "adjusted," and the following procedure took place (we quote from the report in the *Scotsman*):—

When the case came on for hearing before the Court, the defender further objected to the competency of the action on the ground that, by the Merchant Shipping Act, it is required that claims of the kind in question must, in the first place, be determined by summary procedure before the Board of Trade, and that it is only on the Board's refusal to entertain the claims that recourse may be had to the ordinary courts; that in the present case it was not averred by the pursuer that there had been such application and refusal; and, therefore, that in these circumstances the action was incompetent. In order to get into this matter, he craved to be allowed to add a statement of fact, and a relative plea in law to this effect, as he had taken no notice

* 8 Sol. Jour. 696. † 9 Sol. Jour. 7.

of this point in the closed record. The Court held that this defence should have been stated on record, that it was in the discretion of the Court to allow such statement and plea to be added, but that inasmuch as, if this were now allowed, it might have the effect of depriving the pursuer of all remedy, since the twelve months had elapsed allowed by Lord Campbell's Act for raising action, it could not, in the interest of justice, be now permitted. The Court at the same time refused the reclaiming note, and approved of the issue proposed by the pursuer, with expenses from the date of the Lord Ordinary's interlocutor.

We confess we are altogether unable to understand the meaning of this. The Court of Session in Scotland can have no greater powers "in the interest of justice" than any other Court, powers which are limited by the system of law which they have to administer. We humbly venture to think that the Court were wrong in refusing the amendment of the pleading offered by the defendant, and at least it seems to us a very odd state of things if the Court, at some stage of the case, can avoid taking judicial notice of the matter of the proposed new plea. To such a view "the interests of justice" are no answer whatever. The plaintiff was plainly out of court on the facts; she had not satisfied the imperative conditions of the Merchant Shipping Act, and, even if she had, she is too late for proceeding under Lord Campbell's Act. Her only remedy now, as it appears to us, is to petition the Board of Trade for redress, explaining, as well as she can, the delay that has occurred since the collision on the Thames took place. Let us tell the Court of Session that they cannot be allowed to *legislate* (to which the order they have made in the present case is tantamount), even in "the interests of justice."

THE FOLLOWING LETTER, suggesting a somewhat novel remedy for the very insufficient remuneration at present allowed to jurymen, has appeared in the *Times*:—

Sir,—I would suggest to "One of the Jury," who complains, and with great reason, of the scanty remuneration for his five days' attendance, in the case of *Moore* v. *The Danubian Navigation and Colliery Company*, to follow a plan I have seen adopted with much success by juries in Ireland. No sooner have they made up their minds than the foreman rises, and, with a wink at the successful attorney, informs my Lord, with much gravity, that they are agreed, but they do not intend to deliver their verdict unless paid thirty or fifty guineas, according to the time occupied. Should any unwillingness appear to assent to these terms, the foreman politely intimates that the jury will re-consider their verdict—a hint I have rarely, if ever, known to fail.

I am, Sir, yours, &c.,

Feb. 20. THE ATTORNEY FOR ONE OF THE FIVE DEFENDANTS.

On this we have but one remark to make—we do not believe a word of it.

THOMAS WEBSTER, Esq., of the Northern Circuit; Sir Thomas Phillips, Knt., of the Oxford Circuit; Joseph Brown, Esq., of the Home Circuit; Clement Milward, Esq., of the Northern Circuit; James Redfoord Bulwer, Esq., of the Norfolk Circuit; and Hardinge Stanley Giffard, Esq., of the South Wales Circuit, have been called within the Bar.

Benjamin Coulson Robinson, Esq., of the Home Circuit, has been raised to the degree of the coif.

AFTER WE WENT TO PRESS on Friday last, a communication was received from Sir George Grey, the Home Secretary, respiting the execution of Pellizzioni, now under sentence of death in Newgate for the murder of Michael Harrington at the Golden Anchor, on Saffron-hill, until the 22nd of March.

WE REGRET TO HEAR that the indisposition of the venerable judge of the Court of Admiralty, continues such as to prevent him from sitting. On Monday last he was to have sat at the Arches Court, but his illness prevented him. The learned judge, the oldest on the bench—being in his eighty-fourth year—did not sit during the present week in the Court of Admiralty.

BANKRUPTCY REFORM.

If we may judge by what has lately appeared in the columns of our contemporaries of the lay press, and by such knowledge as we otherwise possess, respecting the opinions of the mercantile and legal classes, these three points seem to be pretty well established: 1st, that this reform is much wanted; 2ndly, that the panacea for the evil complained of in the Lord Chancellor's too celebrated letter is not only insufficient, but altogether unsuitable; and 3rdly, that the substantial adoption of the Scotch law would be a beneficial change. Two of the leading organs of the Government, the *Times* and the *Daily News*, have published, in severe and decisive terms, their condemnation of Lord Westbury's Act, the former declaring it to be an utter failure, while the latter likens the Chancellor's remedy of a "Board," which is to administer bankrupts' estates at a maximum charge of ten or twelve per cent., to "the idea of Beelzebub casting out devils." And while they write thus strongly against the Legislature in question, the two journals referred to join in the general approval of the system of bankruptcy law which is administered north of the Tweed. It cannot indeed be doubted that such is the nature of the reform which has taken hold of the mind of the English public, and, if we are not too proud to make such an admission, we hope our Scotch friends will curb their exultation and take a lesson from our candour. Not that we are willing to take the whole Scotch law on this subject on trust, or merely at the hands of Scotch lawyers, but such a representation has come to us, from reliable quarters, of the benefits to be derived by a corresponding system in this country, that we feel disposed to entertain the suggested assimilation, not only without prejudice, but with every presumptive favour. This is, in truth, a matter which ought to be considered calmly, dispassionately, and on its merits; and, we therefore hope that the Lord Advocate's late address to the members of the Scottish Trade Protection Society, in Edinburgh, contains the last allusion we are likely to be troubled with to those topics of national jealousy and sensitiveness, the discussion of which tends so much to retard, if not altogether to prevent, that progressive improvement in the laws of the three kingdoms by which alone we can hope to develop and secure any great system of imperial jurisprudence. The Lord Advocate himself ends the same speech with something better than our imputed "provincialism," in these terms, for the good taste of which we are willing to forgive him:—

"I would only say now in conclusion, that while free trade flourishes in other respects, we may have, in this matter, free trade in law reform, and import and export what we please. We have long since found it more profitable to buy English cattle than to steal them; and so, perhaps, we may come to be of one mind on both sides of the Tweed that a fair interchange of good institutions and wise laws is better than wrangling about their merits. If we think we can with advantage communicate to England our system of registers and of bankruptcy, there will be no difficulty in squaring the account, and even, if ultimately a balance should be due on either side, that which is due from benefit received is easily paid with good will."

Now, having said so much on the evil under which we suffer, and the spirit in which it ought to be remedied, our readers will be anxious to know what this law of bankruptcy really is? It will be found fully stated in the last Bankruptcy Act for Scotland, 19 & 20 Vict. c. 79, passed on the 29th July, 1856, and amended in some details by a short Act, the 20 & 21 Vict. c. 19, passed about a year after. The general nature and character of the law thus established in Scotland is, we believe, correctly stated in the following remarks which we quote from a leading article of the *Daily News* of the 13th inst.:—

"While the Lord Chancellor's idea is one wholly novel, in which experience offers us neither encouragement nor warning, the idea of allowing creditors to manage their own affairs, is one which, no further off than across the Tweed, we can see in full and satisfactory operation. It is useful,

too, to remember that the system now in force in Scotland, was not commended to the adoption of the inhabitants of that country by theory merely. It is the result of a long series of experimental advances. When, in 1772, the first bankruptcy statute was passed, an option was given to the creditors either to select an official assignee and proceed under the direction of the Court, or to appoint a trustee on the estate. In 1783, the option of the former alternative was abolished, and the system of a private trust, in which the Court interfered no further than to decide, on appeal, as to the proof of doubtful debts, and secure the carrying out of the wish of the majority, was established. From time to time amendments in detail were introduced, all in the direction of simplicity and freedom of action. Thus it had been the practice that until a trustee could be elected the creditors should less formally appoint an *interim* manager. In 1853 the experiment was tried of saving trouble by vesting this *interim* appointment in the county court, but in 1856 the community had come to the conviction that in most cases such an appointment was unnecessary altogether, that a trustee could be chosen in from six to twelve days after the act of bankruptcy, and that in the meantime the safety of the estate would be sufficiently secured by allowing a creditor, if occasion arose, to apply for a manager, on special cause shewn. So the law now stands, and so it has worked well for the last eight years. The creditors appoint as trustee some professional man in whom they have confidence; they pay him by a commission of four or five per cent., not fixed till after his work is done; no proof comes before the court unless it is disputed; if rival candidates for the trusteeship appeal to the court to decide on the validity of the choice, the costs are paid by them and not out of the estate, and the decision of the county court judge is final. Hence the estate is administered cheaply and speedily, larger assets are realized than in England, and the creditors do not grudge the time requisite for superintendence, since they feel that they have the real control, and that no expense can be incurred except with their express sanction. That such a system should work as well in England as in Scotland is consistent with common sense, and we shall be surprised if the answer of the commercial world to the Lord Chancellor's appeal is not that they would prefer the adoption of the tried practice of Scotland, with suitable modifications, to the establishment of a board, however lofty its idea and its promises."

The theory of all this is, that the whole proceeding ought to be one between the bankrupt and the creditors, for behoof of the latter, whereas the theory of the English law, as it at present stands is, that the affair is one of which the public must take cognizance and which must be adjudicated upon in a public court, with the assistance of a whole host of "official persons, whose costs and charges eat up the greater portion of the estate." Such a system we consider to be altogether unsound, mischievous, as well as costly, in procedure, and erroneous in social and economical principle. And here we must endorse some remarks that fell from the Lord Advocate in his recent address in Edinburgh:—

"I think the bankruptcy law ought to proceed upon ordinary trade principles. If a man cannot pay his debts, the object is to get payment of what he can pay as quickly and as cheaply as possible. My own opinion is, that there is no other object whatever in bankruptcy law but to do that. The question is, how can you make him pay his debts with as little expense to his creditors as possible, and with as great a return as can be had. I rather suspect a great deal of mischief has arisen from supposing that there should be combined with public law a kind of penal code, to be worked at the expense of the creditors. Now, I perfectly agree that nothing is more dangerous to a community, nor should be more closely watched, than fraudulent bankruptcy. It is a thing to which there is great temptation, and in which there is great danger, but what I demur to is that the public morality is to be protected at the expense of the creditors, who have already lost enough. I think the object in liquidating these assets, and in paying a dividend, is to pay as much and as quickly as possible; and if you want to provide against fraudulent bankruptcy, make your code clear and distinct—make it quite evident and distinct what is a crime and what is not—and when you have information from the creditors that a bankrupt has been guilty of fraud, deal with him with the strong arm of the public law, but do not put it upon the creditors to do it out of their own pockets. Now this is where I think the great mistake has arisen. There is no good reason why creditors should be at the expense of punishing debtors in bankruptcy any more than under other circumstances. In England there is no public prosecutor, and fraud in bankruptcy as well as fraud in anything else must be punished by private individuals prosecuting. The administration of estates should be conducted upon trade principles, and punishment should be a separate matter, and dealt with as a matter having the interest of the community at stake, and not merely personal to the creditors, who have suffered loss by the fraud. In the second place, I say that the essence of bankruptcy administration is despatch. Celerity is the soul of it. A dividend of 5s. to-morrow, in nine cases out of ten, is worth more than a dividend of 10s. two years hence to the creditors; and then, in the second place, it is far more likily at the end of the two years, instead of being 10s., it will only be 2s. 6d. Despatch means economy.

We hope to continue this subject hereafter.

DO VOTING PAPERS AT MUNICIPAL ELECTIONS REQUIRE A STAMP?

We imagine that the question we have placed at the head of this article will create a surprise to many of our readers. But the question has been actually mooted, and at one election at least has been answered in the affirmative.

The point has arisen under the following enactment taken from schedule C to the last Stamp Act (27 Vict. c. 18), which imposes a stamp for "letter or power of attorney, commission, factory mandate, or other instrument in the nature thereof, for the sole purpose of appointing, nominating, or authorising any person to vote as a proxy or otherwise at one meeting of the proprietors or shareholders of any joint-stock or other company, or of the members of any society or institution, or of the contributors to the fund thereof, *or at one meeting of any body exercising a public trust*, in the United Kingdom, or to vote at one parish meeting of heritors or proprietors of real or heritable property in Scotland, 1d." "*Voting Paper* (that is to say)—Any instrument for the purpose of voting by any person entitled to vote at any such meeting as aforesaid, in any part of the United Kingdom, 1d."

The facts of the case that have come to our knowledge are these:—Cheltenham is governed by improvement commissioners, elected under a special act, by the ratepayers of the town, one-third of the commissioners going out annually, and their places being supplied by an annual election, the retiring commissioners being eligible for re-election. The special Act incorporates section 21 of the Commissioners Clauses Act, 1847. By this last mentioned section it is enacted that "for the purpose of electing commissioners from time to time in the place of those who go out by rotation, *a meeting* of the persons entitled to vote at such election shall be held," and so on with further directions, the word "meeting" being persistently used throughout the section.

Now the clerk to the Cheltenham Improvement Commissioners, reading this section in connection with the clause in the last Stamp Act above set out, conceived a notion that possibly the voting papers at the election for commissioners that took place in Cheltenham last November, would require to have a penny stamp impressed or affixed. Accordingly, he communicated with the solicitor to the Inland Revenue at Somerset House, and after considering the point for several days, the solicitor replied that in his opinion the samp duty was payable. Accordingly, stamps were used at Cheltenham.

The foregoing facts are within the knowledge of the writer, but we learn from the *Norfolk Chronicle* that the same point has been mooted in reference to the recent municipal election for Norwich, and that in that case the solicitor to the Inland Revenue has given his opinion that the stamps are also payable on voting papers for councillors to be served in municipal corporations.

Now we confess that the notion that a stamp is payable on the exercise of municipal and similar franchises has come upon us with surprise. We submit with confidence that the Stamp Act we have mentioned has no application to the sort of voting papers referred to.

It will be seen that the clause relating to voting papers refers back to the preceding clause relating to proxy papers. Then when we read the lastly-mentioned clause, we see that the stamp can only be chargeable on the voting papers under discussion if such an election as we are treating of is a "meeting of any body exercising a public trust." There must accordingly be three ingredients in a case of voting before the stamp is payable on the voting paper—*i. e.*, there must be,

1. A meeting.
2. Of a body.
3. Exercising a public trust.

Now in the Cheltenham case there is some ground for saying that a commissioner's election there is "a meeting," because that is the word used in the section of the Commissioner's Clauses Act, which has been incorporated into the special Act. We will, therefore, leave that point.

But how can it possibly be said that the fluctuating electors in a town, or (as in Cheltenham, and generally, is the case) the wards into which a town is divided, can be called a "body?" What is there to weld such individuals into the consistency of a "body?" Further—this word "body" is a general word following, and in conjunction with, specific words, which show the sort of "body" intended, viz., a joint-stock company, or society or institution, and from this it must surely follow that the general word "body" must be taken as *ejusdem generis* with the sort of bodies specifically mentioned, and must then mean a body with something of a corporate existence. We therefore express a tolerably confident opinion that the electors at a municipal or other similar election are not a "body" within the meaning of the Act in question.

And when we come to the phrase, "exercising a public trust," we ask what trust, either public or private, such electors exercise? Sometimes opponents of the ballot say that the political franchise is a trust held by the enfranchised for the benefit of themselves and the unenfranchised. But this is merely a figure of speech. A "trust" for any legal purpose is a matter over which the Court of Chancery has a regulating power, so that any misconduct in reference to the trust will be redressed in that court. What bill or other proceeding in equity could be sustained against such an elector as we have been speaking of, to make him responsible for the exercise of his power of voting? Think of a bill calling upon an elector to account for the profits arising from bribery and other misconduct in reference to his exercise of his public "trust" of voting? But really, in all seriousness, there surely is no ground for saying that a municipal or other such franchise is "a public trust."

So we conclude, with great deference to the solicitor at the Inland Revenue and the other lawyers who have adopted the opposite notion, that the question we have propounded at the head of this article, must be answered in the negative.

We cannot part with the question without informing our readers of a correspondence hereon which we think is rather amusing. The clerk to the Cheltenham Commissioners, finding the stamp point mooted by him was unpopular, wrote to the Hon. Colonel Berkeley, M.P. for Cheltenham, to intercede with the Chancellor of the Exchequer to get the Act "repealed or amended" so far as regarded the voting papers before us. (This same clerk was formerly the political agent of the Berkeley family in Cheltenham.) At once the gallant Colonel wrote to Mr. Gladstone and received the following reply:—

"Hawarden, Dec. 15, 1864.

"My dear sir,—I am much concerned to be told, in answer to my inquiries, that according to the opinion of our legal advisers at Somerset-house, the voting-paper you have sent me is liable to the penny stamp. If it is so we cannot provide a remedy until the session arrives, when the matter will not be overlooked.

"This stamp duty was adopted, I think, on the proposal of Mr. Darby Griffiths, *but in acceding to it I had not* (so far as my memory serves) *the smallest idea that it would extend to the exercise of any franchise; and I confess I am not yet absolutely convinced that it does.*

"I remain, my dear sir,

"Faithfully your's,

"W. Gladstone.

"Hon. F. W. F. Berkeley, M.P.

And thereupon sundry reflections touching Acts of Parliament, the mode in which they are passed, their wording, their interpretation by government officials, and the mode obnoxious acts are "repealed or amended," occur to us; but as similar reflections will doubtless suggest themselves to our readers in connexion with other branches of the Inland Revenue Office as well as this, we will economise our time and space.

REVIEW.

The Notanda Digest, with Synoptical Index of the Decisions in Law, Equity, Bankruptcy, Admiralty, Divorce, and Probate Court. By Tennison Edwards, Esq. December, 1862, to December, 1864. London: T. F. A. Day. 1865.

We have now before us Mr. Tennison Edwards's digest to his "Notanda," extending over the decisions of our courts during the space of two years. On a former occasion we called attention to the work itself, as being a very original and ingenious means of supplying a public want in the profession; a want which is becoming more and more felt as the multitude of reported decisions accumulates with ever accelerating speed, and which must in a short time render some work of the nature of Mr. Edwards's absolutely essential to the practitioner.

On the nature of the work itself we think it best not here to recapitulate what we have already said on a former occasion, but to refer to our former remarks, and still rather, to the work itself. The Digest, however, requires a few words to itself. It consists of the numbers of the Notanda, with a consolidated synoptical index, renewed every six months. This index is threefold—first, an index of statutes and sections, under which is to be found, on referring to the statute, by its date and chapter, every decision on every section during the period over which the Digest extends—secondly, an index of subjects which seems very full and well-selected; and thirdly, an index of the cases by their names, the references in all these indices being to the notes of the "Notanda" itself by their numbers, and they are numbered consecutively from 1 to 3,214, in the Digest before us; these notes themselves being arranged respectively under references to well known text books, of recognised authority, or to leading cases on points of common occurrence, establishing some well-known doctrine, or finally to statutory enactments, and sometimes to all three or any two of them. The effect of this arrangement is to give a very complete index to the whole law, the later cases being found in the "Notanda" shortly stated, and, of course, in full in the reports to which it refers; the older and established law, in the text-books, to which reference is made at the head of the note; thus, if the practitioner has got either the subject or the name of a leading case, or the statutory enactment on a given question, he can, from any one of these items, by referring to the proper head, find all the others, and all the later decisions bearing on the same or a kindred matter. The value of such a synopsis is obvious on its nature being stated; we can heartily indorse the statement made in a kind of prospectus-sheet which has come to our notice, which in part runs as follows:—

"The advantages of this digest are numerous. First, it will only be necessary to look to the one index for many years to come, instead of having to hunt through a number of annual digests; and in the interval between the last index and its successor—a period of about six months—the new cases will be found in the fresh numbers of "Notanda," under the text-books and statutes, instead of having to hunt through the reports of the current year. Secondly, by means of the "Synoptical Index," the reference to the reversal,

affirmance, overruling, or questioning, of any case, will be found in juxta-position with the reference to the original case, so that all trouble is removed in discovering whether a case is still law. Thirdly, by reason of the notes in "Notanda" being headed with a reference to the text-book treating upon the subject of the note, the practitioner not only finds the new point for which he was in search, but without any trouble he also finds the reference to the text-book where the subject is treated of at large.

"That portion of the "Synoptical Index" relating to decisions on the statutes is peculiarly convenient, as the practitioner has only to look to the particular statute and section, and he will find references to every decision thereon, the higher number, of course, referring to the later decision."

We consider the thanks of the profession are due to Mr. Edwards, in the first place for his conception, and, in the next, for the care and diligence with which he has carried it out; and we cordially hope that he may reap the reward of his ingenuity and labour from a constantly increasing circulation of his most useful work.

The Election Manual for England and Wales: being a Plain and Practical Key to the existing Laws affecting Returning Officers, Electors, Candidates, and Election Agents; with the Text of the Principal Statutes, including the Corrupt Practices Acts, with Explanatory Notes, Forms, and Precedents. By CHARLES EDWARD LEWIS, Solicitor. Third Edition. London: Butterworths. 1865.

The title of this book tells almost everything that we have to say about it; to say that it fully bears out that title, and exactly occupies the place thereby designated, is to describe the work. Without attempting to enter into these mysterious arcana of election law which "no fellah" but an old member of the chairman's panel "can be expected to understand," Mr. Lewis offers a plain practical guide to those who have the conduct of elections at the hustings and in the polling booths, amply sufficient for the pilotage of Returning Officers, Candidates, and Agents, through the mazes and amongst the pitfalls which lie between them and the door of the dreaded committee room.

If we were disposed to be hypercritical we might, without difficulty, point out one or two trifling inaccuracies into which the author has fallen, probably from the haste which, as he tell us in his preface, was necessitated by the circumstances under which this book is presented to the public; but these are not merely few and trifling in themselves, but wholly, or for the most part, of a nature entirely collateral to the purpose of the work.

For instance, at page 8, we have the following statement:—"A Scotch peer is held to be ineligible" (as a representative in the Commons), "though this is not free from doubt or question. There is no solid distinction between his case and that of an Irish peer, who is eligible for places out of Ireland if not a representative peer."

Now, the fact is, that this distinction rests upon the most solid basis which is possible in the nature of the case—express statutory enactment.

It was at a very early period of the Parliament of Great Britain discovered that two very unlooked for results had followed the Act of Union. In the first place, as the kingdoms of England and Scotland were thereby swallowed up in the new kingdom of Great Britain, the Sovereign had no and longer any power to act as King of England or of Scotland, could not therefore create a new peerage of England or Scotland. In the second place, as all peers of England and Scotland respectively were thereby declared to be peers of Great Britain, and to have all the privileges of peerage (except that of sitting and voting in Parliament), it followed that they had all the disabilities of peers also; so that whereas, before the union, a peer of Scotland might have—and sometimes had—sat in the English House of Commons, and a peer of England might have been returned as commissioner for a Scotch county or borough to the Parliament in Edinburgh—thenceforward neither one nor the other could be a member of the United House of Commons. In the *Douglas case*, the House of Lords went, indeed, still further, and held that a Scotch peer was incapable of taking a peerage of Great Britain by creation, a decision, the effect of which has been avoided by conferring such a peerage (when desired) on the eldest son of the Scotch peer in possession. The framers of the Act of Union with Ireland took advantage of the experience derived from the errors of their predecessors, and accordingly it is by the 4th Article of Union stipulated, and by the Act (39 & 40 Geo. 3, c. 67), expressly provided—1st, that the Crown may, under certain restrictions, create new Irish peerages; 2ndly. That peers of Ireland may sit in the House of Commons for English constituencies; and thirdly, that such peers, and peers who are candidates for such representations, are not to be entitled in England to the precedence or privileges of peers, but are to be treated in all respects as Commoners, while all other peers of Ireland, whether presentative peers or not, are to be peers of the United Kingdom, and as such entitled to all privileges of peerage (except that of sitting in the House of Lords.)

One or two of the propositions which Mr. Lewis puts forward as matter of principle might have been strengthened by precedent in the same manner as he has himself done in other places in the same book.

Thus, at page 27, where he is discussing the position in which the parties are placed when the candidate, declared elected by show of hands, declines to go to the poll, he might have instanced the case of the election for Armagh County in 1857, where the present Earl of Charlemont, then Colonel Caulfield, having so declined, the sheriff, acting under the advice of one of the most experienced counsel in Ireland, kept the poll open for the whole of the first day, when only seven (or some such number) of votes having been tendered for Caulfield, and a considerable number having polled for the other candidates, he declared them duly elected.

So at page 28, the case put hypothetically of a voter tendering his vote at the poll for a person never nominated, and not a candidate, has occurred frequently in actual practice, and it has been, we believe, the invariable practice of returning officers to record such votes as good votes, though we never heard of an instance in which any such person was actually elected.

At the election for the city of Dublin, in 1852, no less than seven votes were given by mistake for "Grogan and Gregory," Mr. Gregory not being a candidate, but having been long one of the members for the city, and we ourselves heard one confused elector vote for "Vance and Beers," being the name of the firm of which Mr. Vance, who was a candidate on that occasion, was a member. The votes were received as tendered, the result being that Sir Edward (then Mr.) Grogan lost one vote, and Mr. Vance seven votes which were intended for them respectively.

Notwithstanding slight omissions of the nature we have described, the book is a very complete one for its purpose, and its practical utility is not in the least impaired. We can confidently recommend it to all persons who are likely to be concerned in election contests at the coming general election.

COURTS.

HOUSE OF LORDS.

Feb. 21.—*Tapling* v. *Jones.*—The argument for the appellant in this appeal, of which the nature has been already mentioned in our columns,* were concluded to-day, whereupon their Lordships intimated that at present they would not call on the counsel for the defendant in error, but would consider the case, and if they found it necessary to hear any further argument, due notice should be given of their intention.

ROLLS COURT.

Feb. 18.—*In re Robins (a Solicitor).*—In this matter his Honour, the Master of the Rolls, said—I have read these papers and also consulted the Institution, and I make the order to restore this gentleman to the roll of attorneys and solicitors in this court.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner HOLROYD.)

Feb. 17.—*In re Thomas William Bilton.*—The bankrupt, who had been in practice as an attorney in Carey-street and Hastings, applied to be discharged from debts of about £600, and there were no assets. It was stated that the bankrupt, who had been a solicitor several years, had not inserted in his accounts debts believed to be due to him, and an adjournment was asked for inquiry.

The Bankrupt.—I have no books; I have no business; I never had any business.

His HONOUR.—Your occupation seems to have been that of getting into debt.

The Bankrupt.—Within the last two years I have n-

* 9 Sol. Jour. 281.

curred debts to the extent of £100 only. My difficulties arose out of my non-success in an action.

His HONOUR.—The application of the assignees is quite reasonable, and I really cannot understand the absence of books in this case. The bankrupt must prepare the accounts desired.

Adjourned accordingly.

(Before Mr. Registrar BROUGHAM.)

Feb. 21.—*In re G. R. Corner.*—At a dividend meeting held under the failure of the late Mr. G. R. Corner, solicitor, Tpoley-street, Borough, it was announced that a sum of £900 was in hand, applicable to purposes of dividend.

Feb. 22.—*In re Henry Moore.*—Mr. Moore was an attorney practising at Wimborne Minster, Dorsetshire. A meeting for proof of debts and choice of assignees was now held.

The bankrupt applied to the Court upon his own petition, the solicitor for that purpose being Mr. M. R. Gibbs, of 18, Poultry. The unsecured debts (chiefly local) are returned at £982, the largest secured creditor being Mr. Serjt. Gaselee, whose claim is stated at £2,276, principal and interest, secured by a mortgage of freehold property at Wimborne, value £2,400, and further secured by a charge upon a life policy for £300, effected in 1858 with the Law Union Life Assurance Company. The failure is attributed to pressure by the secured creditors, &c.

The assignee appointed was Mr. Henry Halgood, of Wimborne Minster, Dorset, Upholsterer.

SHERIFF'S COURT.

(Before Mr. Commissioner KERR.)

Feb. 17.—*The European Banking Company (Limited)* v. *Lansberyer.*—This was an action in which the plaintiffs sought to recover £18 16s. upon defendant's overdrawn account.

Mr. *Grant*, for the defendant, did not deny that the defendant had overdrawn his account as alleged, but produced a trust deed.

Plaintiff's clerk.—Our debt was not put in the schedule.

His HONOUR perused the deed, and pointed out to Mr. Grant that it contained a great many inconsistencies.

Mr. *Grant* replied that it was worded in the customary manner.

His HONOUR did not consider that plaintiffs were to be bound by such a deed, if it should not prove legal. As an instance, he would notice one clause, which had apparently been drawn by a very good conveyancer, but it was not law.

Mr. *Grant* urged that the deed had been registered.

His HONOUR had no doubt of it.

Defendant.—And the creditors have taken all my property.

His HONOUR.—I have no doubt that the deed has been registered, but I hold that is not good. I may tell you that since the Act I have had a great many of these deeds before me, and I have not found one valid yet.

Mr. *Grant.*—I am aware that there is a great division of opinion upon them amongst the judges, but if your honour will grant an adjournment I will produce a list of assenting cases filed in the Court of Bankruptcy.

His HONOUR.—I cannot do that. I must find for the plaintiff.

Verdict for plaintiff, with costs.

GENERAL CORRESPONDENCE.

LIGHT AND AIR.

Sir,—Having met in a recent number* of your Journal with a paper reviewing the case of *Jones* v. *Tapling*, and indicating a considerable dissatisfaction with *Renshaw* v. *Bean*, on which the opinions of the minority of the judges in the former case entirely rest, I ask admission in your columns for the following short observations in support of that view. The question at issue is, whether the fact that the owner of a house with privileged lights has exceeded his privilege, justified the owner of the adjoining land in obstructing those privileged lights to the extent necessary to enable him to obstruct the excess. It is contended that it does; because the owner of the lights has imposed on the owner of the land the necessity of obstructing the new lights under the penalty of having otherwise his land subjected to a new burden, and has, at the same time, made this impossible, except on the condition of obstructing also the privileged lights. The main fallacy in this argument is stated by Blackburn, J. (in his judgment in *Jones* v. *Tapling*), to be the assumption that the right of the adjoining owner on the opening of new windows is a right to obstruct conferred, instead of merely a right to build on his own land restored, by reason of the real privilege in restraint of his right not being in fact exercised, but another privilege exercised in its place; and upon this principle, apparently, the learned judge concurred in the judgment in *Hutchinson* v. *Copestake*, because there no one of the old privileged lights existed, and therefore (the right being attached, as the user is enjoyed, with reference to each separate aperture) no distinct claim could be made in respect of any one window; but I conceive that the fallacy is to be found at another stage in the argument, and lies in the view taken of the exact nature and extent of the privilege and the burden, and the consequent necessity for the obstruction in question. Vice-Chancellor Wood, in the case of *Weatherley* v. *Ross*, mentioned by the writer of the article in question, speaking after the decision in *Jones* v. *Tapling*, and with reference to the judgment of Blackburn, J., says, "though the law does not recognize the interference with privacy as a ground of relief, it does allow to the adjoining proprietor the right of building on his own land so as to prevent a prescriptive title to light and air being acquired against him—a title which would deprive him of a valuable portion of his right of property—that of building on his own land as he pleases;" and he afterwards speaks of a single window as conferring a right to a wall-full of lights. Now, as to light itself, it has long ago been held that every owner has a right to as much light as he can get; but the privilege attached to an old window is the right of not having the light coming in at that aperture obstructed, and the corresponding burden on the adjoining owner is not to occupy his land so as to obstruct that light. Supposing, then, no such right of obstruction as that contended for were allowed, or no such restoration to the naturally unrestrained power of the adjoining owner to occupy his land as he pleases, it is perfectly true that a prescriptive title to new apertures may be acquired under shelter of the old privilege; but in order to see the weight of this objection, it is necessary to measure the extent of the supposed additional burden imposed on the adjoining owner.

Now, if the new window cannot be obstructed without obstructing the old one, the reason is, because any obstruction to the new light would cast a shadow on the other. But the owner of the adjoining land is already restrained from permanently occupying any portion of space on or over his land, the occupation of which would obstruct any ancient light, and, therefore, he is restrained from occupying that space which the obstruction of the new lights requires. The new light, therefore, imposes no additional burden, and requires no additional right during the time that must elapse before it attains its prescriptive title; during that time it exists under the shelter of its neighbours, and after that time it still remains so sheltered, imposing no burden unless and until the same event which calls its acquired privilege into operation at the same time *diminishes* the total burden on the adjoining land; for that event must be the abandonment of one of the ancient lights. But it is clear that the window which was enjoyed under the shelter of an ancient light, must have been one which itself imposed a less restraint than that which protected it, and within whose limit of restraint its light was obtained. To go in detail through the instances in which new lights may be added under the protection of old ones, would occupy too much space, and can be easily done by the reader; but if it be remembered that light comes from above, and buildings of all kinds (including obstructions) begin from below, that a window is difficult to obstruct in proportion to its distance from the border, and also in proportion to its height from the ground, but that in each case it imposes a proportionably small burden; it will, I believe, be found that the sum of the inconvenience resulting from a want of the power of obstruction contended for is, that after a twenty years' (or nineteen years') user of the new windows, a new privilege is acquired, which cannot create any new burden until the abandonment of an old privilege, and which then imposes a burden less than that for which it is substituted. If, on the other hand, it be considered that it is not the principle of law to measure out and limit the amount of enjoyment which a man may derive from the use of his property, but only to see that in using

* 9 Sol. Jour. 281.

it he imposes no additional burden on his neighbour, there can, I think, be little doubt, whether this unburdensome privilege should be allowed, or whether that vexatious interference with existing rights which the power of obstruction sanctioned by *Renshaw* v. *Bean* creates, should be perpetuated in our system.

I must add, too, that this goes to overthrow even *Hutchinson* v. *Copestake*, and to reduce the question of the right of obstruction simply to this, Does the new light in fact impose a greater burden on the adjoining land than it was before subject to? if it does, it can be obstructed; if it does not, it is free. S. J. L. E.

[We have great pleasure in calling the attention of our readers to this most valuable and exhaustive argument. At the same time, the proposition lastly contended for is one which, however founded on natural justice, has never been recognised in English law. Rightly or wrongly, we must be content to look upon the right to light as an *easement*, not merely as a *servitude*, and in that point of view the decision in *Hutchinson* v. *Copestake* was clearly right, though we agree that that in *Renshaw* v. *Bean* was hopelessly wrong.—Ed. *S. J.*]

APPOINTMENTS.

The Hon. SLINGSBY BETHELL, barrister-at-law, to be reading clerk and clerk of committees of the House of Lords.

JOHN WILLIAMS, of Llanidloes, in the county of Montgomery, Gentleman, to be a commissioner to administer oaths in chancery in England.

The Attorney-General for Ireland has appointed Mr. JOHN ADYE CURRAN to the Senior Crown Prosecutorships for the counties of Meath and Carlow, vacant by the resignation of Mr. Loftus H. Bland, Q.C.

NESBITT KIRCHOFFER, ALBERT PRINCE, JOHN ROAF, and EDWARD D. BLAKE, Esqs., to be Queen's Counsel in Upper Canada.

PARLIAMENT AND LEGISLATION.

HOUSE OF LORDS.

Friday, Feb. 17.

THE CASE OF MARY RYAN.

The Marquis of TOWNSHEND moved for copies of all correspondence relative to the abduction of Mary Ryan.*

Earl RUSSELL said there was no objection to the production of the correspondence alluded to.

The motion was then agreed to.

Monday, Feb. 20.

THE CONCENTRATION OF COURTS OF JUSTICE BILL—RETURNS.

The Earl of LONGFORD said he wished to call attention to the return which had been made to the House of the houses to be removed, and the persons who would be displaced in consequence of the erection of the new courts of justice near Temple-bar. The return professed to give the number of inhabited houses by the working classes at 151, and of the number of persons who would be displaced at 302, being two persons to each house. There must be some inaccuracy in the return, but Parliamentary agents had stated that the return was correct, it being a list of the owners and of the leaseholders of the property to be taken; and that the return omitted all notice of the lodgers, who were very many. This was clearly an evasion of the object for which the House required the return.

The LORD CHANCELLOR said that the objection taken by the noble earl seemed to be well founded, for it would be a farce to say that only two persons resided in each house. He would direct further inquires to be made relative to the whole of the persons who would be displaced.

The Earl of SHAFTESBURY called attention to the standing order on the subject, which required that before the second reading of any bill, requiring the removal of houses in the metropolis, a return should be made of the actual number and character of the houses that would be taken down, and of the total number of persons who would be displaced, and whether or not any provision would be made for their accomodation.

The LORD CHANCELLOR said he had been very much struck with the form of the return, and he would take care that the House should have a return in conformity with the standing order.

Tuesday, Feb. 21.

COUNTY COURTS AMENDMENT BILL.

The LORD CHANCELLOR laid upon the table a bill conferring on the county courts a limited jurisdiction in equity. He proposed to empower the county court judges to make their orders for instalments payable weekly instead of monthly. He also stated that he intended to bring in a general measure which, amongst other provisions, would shorten the time of limitation for the recovery of debts, and prohibit the recovery of any debt on account of a score for intoxicating liquors supplied for consumption on the premises.

HOUSE OF COMMONS.

Thursday, Feb. 16.

COURTS OF JUSTICE (BUILDING) BILL.

Petitions were presented in favour of this bill by Mr. BAINES, from the Yorkshire Law Society; Mr. HADFIELD, from the Worcester Chamber of Commerce; and by Mr. MALINS, from the Law Students' Debating Society in Chancery-lane.

The ATTORNEY-GENERAL moved that it be read a second time.

Mr. F. POWELL wished to say a few words, partly to draw forth some explanations from the Government, and partly to direct public attention to the subject. He hoped they would have a full explanation respecting the gentlemen from whom the estimate had been procured, and what was the nature of the building to be constructed for the sum. It had been rightly said by the right hon. gentleman (Mr. Cowper), that time was money; but convenience was time, and if convenience was a matter of importance in the arrangement of a public court, an important subordinate part was ventilation. Those who had been called upon to take part in the administration of public justice, whether as jurors or magistrates, must be aware how poisonous, dangerous, and almost fatal was the atmosphere in which business had to be done. He wished to hear some explanation of the mode in which the architect was to be selected. He trusted the competition would not be confined to those who had offices in London. In Leeds, Liverpool, and Manchester noble halls of justice had been constructed. In constructing the courts in the neighbourhood of Lincoln's-inn it might be desirable to bear in mind the noble buildings which had recently been erected there and in the Middle Temple. He hoped they would avoid penurious parsimony, which might be convenient for the moment, but which afterwards would cause regret; and he also trusted they would avoid a profuse and lavish expenditure, which good art did not invite, and which was the greatest enemy of true artistic progress.

After a few words from Mr. HADFIELD, Mr. KINNAIRD, Mr. BAILEY, and Mr. H. BENTINCK,

Colonel SYKES said it was his misfortune recently to be summoned as a witness in one of the courts at Westminster. He fortunately met with the hon. and learned member for Tiverton (Mr. Denman), who showed him the way to the Queen's Bench. On arriving there he, with considerable difficulty, forced his way in, and again caught the eye of his hon. and learned friend, who told him he was in the wrong place, and that he must go somewhere else, the locality of which he could not describe. By the assistance of one of the ushers of the court he at length found his way, and contrived to get up to the witness-box. After many hours' detention he acquitted himself of the duty which had been imposed upon him, and retired most heartily disgusted with her Majesty's courts of law. The place was not much bigger than a rat trap, and he thought such rooms were a disgrace to the country, and unworthy the dignity of the Bench. Under these circumstances, he heartily concurred in the motion for removing these little dens to some other site.

Mr. WALPOLE doubted whether they had selected the best site. The object was the concentration of the courts; but according to this plan they would not concentrate all the courts which ought to be together. All the courts of appeal were at Westminster. The House of Lords and the Privy Council, the two great courts of appeal which controlled all the other courts, were within a stone's throw of the House of Commons. The courts of appeal were the most important courts of all the courts in the country. It was to those courts they must ultimately go for the decision of the law. The best counsel would always be

* 9 Sol. Jour., 162.

taken from the other courts. His opinion therefore was that if they would improve the existing courts and make them harmonise to a certain extent with the Houses of Parliament—if they added from the Clock-tower another building reaching all along the side of Bridge-street and made it turn towards the courts at Westminster-hall, there would be sufficient provision for the courts of law and equity. If more room were required it might be found on the space opposite Palace-yard. That would be an economical plan, and effect a complete concentration of all the courts. The second point to which he wished to call attention was, that nothing was so uneconomical and so unwise as to part with good courts when they had got them. Now the Rolls Court, the Lords Justices' Court, the Lord Chancellor's Court, and the Vice-Chancellor of England's Court, were all well adapted for the purposes of justice. Four of the courts at Lincoln's-inn were therefore good courts, consequently only two additional courts of equity were required. Assuming they were going to build on the site selected, was it wise to provide for four courts which they had got suited for the purpose, and thereby incur that increased expense? He admitted fully that they ought to concentrate the law courts, but he denied that they ought to go to the Suitors' Fund until they had diminished the fees to the amount to which the suitors were entitled under the present regulations. He questioned very much the policy which recommended to the House that they should, under the plea of getting £1,200,000 from the Court of Chancery, find themselves in the difficult dilemma of having to go to the Consolidated Fund to make up the deficiency which he felt confident would exist.

Mr. MALINS said that the supreme courts of appeal only sat six or eight weeks, at the utmost, in the year, and he could see no reason why the Privy Council should not be accommodated in the new building. With regard to the House of Lords, he hoped to live to see the day when that House would abandon their jurisdiction of appeal, and consent to the establishment of a great ultimate court of appeal, where justice would be administered during the whole year, and not in the present inconvenient place. But, even supposing the present system to continue, the inconvenience was trifling to the bulk of the profession. By keeping the courts at Westminster, much time and money was wasted by barristers, solicitors, and others, being compelled to rush about in cabs, which was highly discreditable to the country. The right hon. gentleman totally differed in opinion, as to the proposed site, from the universal feeling of the profession. The question had been brought before an unusually large meeting of the council of Lincoln's Inn on the previous day, and, with two or three exceptions, an opinion in favour of the Government scheme was expressed, so that henceforth the Society of Lincoln's Inn might be considered supporters of the measure. Though the Lord Chancellor's Court and the courts of the Lords Justices and the senior Vice-Chancellor were not so bad as the rest, they were deficient in all the necessary appendages of a court. With respect to the site, he considered it was the best that could be selected. It was equally distant from the Temple, in which the common law barristers resided, and Lincoln's-inn, where the chambers of the equity barristers were situated. It was in the centre of the legal world, and equally convenient for the jurymen of Middlesex and London, and was encumbered with buildings which he was sure no one would wish to see replaced elsewhere. It was said that this was a moribund Parliament, but if it only successfully passed the present measure it might die with honour.

The ATTORNEY-GENERAL said that the want of adequate space at Westminster was quite conclusive against the idea of concentrating the courts of justice there, and that would perpetuate one of the greatest evils they wished to remedy by concentration—namely, the separation of the courts from those parts of the town where barristers had their chambers and solicitors generally had their offices. He pointed out the great loss of time and expense caused by such separation to barristers and solicitors, and said that that expense was only a slight approximation to the loss sustained by the suitors. With regard to the House of Lords and Privy Council, he entirely agreed with the hon. and learned member for Wallingford. There was no magic in Downing-street, and he did not doubt that the Privy Council might find a chamber in the new Palace of Justice. The population who would be displaced by the buildings, he admitted ought not to be forgotten; but as the number of houses to be taken was only 400, the population could not be nearly so large as the hon. member had represented, and experience had shown that the law of supply and demand would furnish people so displaced with lodgings and houses elsewhere. His right hon. friend (Mr. Walpole) had suggested that this fund belonged to the suitors, and that it should be appropriated to the legitimate purposes of reducing the fees. Now, he had already stated that the words "belonging to the suitors" conveyed no meaning to his mind. If they meant an individual right to money, it would involve a spoliation; but there was no human being who had any legal or moral right to one shilling of this money. It was money belonging to no person, and the question was whether the State had made an appropriation of it which it could not revoke. But he contended that there had been no appropriation at all, and they now proposed to apply it in the same manner as it had been partially used before, only for a far more important purpose. He would ask the House not to allow themselves to be led astray by any argument for delay, but that they would give a fair and candid consideration to the scheme, which he felt sure would not involve any charge upon the State beyond that which had been avowed.

Sir F. GOLDSMID said that there was only one point to which he wished to call attention, and that was, that judging from experience in reference to the improvements made it the east end of London, he believed that the result of this measure would be, to remove a large number of persons, and to drive them into much more crowded dwellings. That should be provided for when they went into committee on the bill.

The bill was then read a second time.

COURT OF CHANCERY, IRELAND (No. 2) BILL.

Mr. WHITESIDE rose to move for leave to bring in a bill to alter the constitution and amend the practice and course of proceedings in the High Court of Chancery in Ireland. The Attorney-General for England had already undertaken to manage a bill for the amendmend of the law in reference to the Court of Chancery in Ireland. That bill was the same as the one which had failed last year. It was not acceptable to any person in Ireland, but, notwithstanding that, the hon. and learned Attorney-General had brought in his bill without altering one line of it, and seemed determined to carry it. He (Mr. Whiteside) had prepared a bill which he believed would be acceptable, and had adopted all that he had found useful, whether recommended by the commissioners, or in the bill which had been taken charge of somewhat inconsiderately by the learned Attorney-General. What he proposed to do was to follow the precedent of the English bills of 1852—viz., to deal with the constitution of the Court and the number of the judges by one bill, and to deal with the practice and procedure of the Court by another. The masters in Ireland had original jurisdiction, and the same abuses did not exist in their offices as formerly existed in England, and therefore he did not propose to pay them off, and to appoint another gentleman by the title of Vice-Chancellor. The suitors in Ireland did not care about the title of a judge, and all they desired was to get out of Chancery as soon as possible. He had omitted all reference to the office of chief clerk. He agreed with the Master of the Rolls, that unless they watched the system closely they would have the vices of the old system revived. He had provided that the examiner of the Incumbered Estates Court should be the officer of the judge, and he had created no new places. If they took the judge and his staff they would save the Treasury £5,000 a-year. Those were the provisions of his first bill. The second bill related to the practice and procedure of the court. There were some things in which he agreed with, and some in which he differed from, the Attorney-General. The first point in which he differed was the verification of the bill by the oath of the plaintiff or the petitioner. He never could understand on what ground they compelled the defendant to put in his answer upon oath, and did not compel the plaintiff to verify the bill on his oath. Then, he asked, why did the Attorney-General propose to continue, or rather to go back to the system of interrogatories? In England, in 1863, interrogatories were filed in 1,566 cases; in Ireland in two cases. He trusted his hon. and learned friend would not press that upon them. The next point in which he differed from him was as to demurrers, which the Master of the Rolls said were for three purposes:—first, they delayed the suit; secondly, they wearied out the plaintiff by unnecessary expense; and thirdly, they took the money from the pocket of the plain-

tiff, and put it into the pocket of the solicitor of the defendant. Last year in England there were sixty-nine demurrers; in Ireland not one.

The ATTORNEY-GENERAL said the points to which the hon. and learned gentleman had called attention were matters of detail, and he did not think this was the proper time for discussing them. The principle of the first bill was rather an unusual one, as by it the house made appointments, instead of leaving them to be made by the crown under the advice of responsible ministers. He did not think it advisable that these appointments should be made by the House of Commons, as nothing could be more invidious than to invite a discussion as to the fitness of particular individuals to fill an office. In assenting to the introduction of the bills, he reserved to himself the right of proposing to the House at the proper stage to deal with them in such manner as might appear expedient.

Leave was then given to bring in the bills.

JURIES IN CRIMINAL CASES.

Sir C. O'LOGHLEN obtained leave to bring in a bill to declare and amend the law in relation to the keeping together and discharge of juries in criminal cases.

Monday, Feb. 20.

COURT OF CHANCERY (IRELAND).

Mr. LONGFIELD, in the absence of Mr. Whiteside, moved for leave to bring in a bill to amend the constitution of the Court of Chancery in Ireland, and to reduce the number of judges in the Landed Estates Court.—Agreed to.

FEES OF PARLIAMENTARY COUNSEL.

Mr. D. GRIFFITH asked the President of the Board of Trade whether the members of the Parliamentary bar had come to any agreement that the practice before Parliamentary committees should be open to the bar in general, on the same terms in regard to fees as prevailed in the ordinary courts of law and equity?

Mr. M. GIBSON said that, from inquiries he had made, he was led to the conclusion that counsel practising before committees of the House were at liberty to accept any fee which they might think a proper and adequate remuneration for the duties discharged. He concluded that counsel might accept any fee that the bar in general might take in the ordinary course.

COURTS OF JUSTICE BUILDING BILL.

The ATTORNEY-GENERAL has given notice of his intention to move in committee on this Bill, the following clause:—"The plan upon which the said buildings shall be erected, and the necessary arrangements for the proper and convenient accomodation of all the courts and offices to be provided for therein, shall be determined upon by the Treasury, with the advice and concurrence of such persons as her Majesty shall think fit to authorise in that behalf; and after the completion of the said buildings, her Majesty may, by order in council, from time to time, nominate and appoint such persons as she shall think fit, with such powers to superintend and regulate the said buildings, and to provide for the proper care and maintenance thereof, and also (if it shall be found necessary) to vary, from time to time, the internal arrangements of the said buildings, and the purposes to or for which any part thereof may be used or appropriated as to her Majesty shall seem proper and expedient: provided always, that no orders or regulations requiring any expenditure of public money shall be made by such persons without the consent of the Treasury."

Wednesday, Feb. 22.

PRIVATE BILL COSTS BILL.

Mr. SCOURFIELD moved the second reading of this bill. A committee, of which Mr. Cardwell was chairman, had thought that provision should be made for the payment of costs in cases where the proceedings of any party should appear to have been illusory, vexatious, or unwarrantable. That was a report of 1853, and the last committee which sat (1864) in reference to railway matters unanimously reported in favour of a bill being prepared and introduced for that purpose. The recommendation of the committee merely went to the extent of taxing costs to the opponents of a measure which should not be successful, but as he thought the house would not pass a one-sided bill, he proposed that when the opposition of parties appeared to arise from colourable or false motives they should not have costs. Substantially what he proposed to do was this—to prevent persons from promoting schemes which were not meant for the attainment of any actual object, except that of the promoters being paid off by other persons who might adopt the scheme if successful in its passage through Parliament.

Mr. CRAWFORD seconded the motion.

Mr. DENMAN had read the bill with some attention, and he thought it would be a useful piece of legislation so far as the principle of it was concerned, but he hoped the language of it would be altered in committee, and he would suggest that the words which would be best to attain the object in view would be "unreasonable or vexatious." He thought the words in the bill would be too strong, and if agreed to would place committees in much difficulty, as they would hardly have any discretion in the matter, but be obliged to award costs.

After a few words from Mr. PUGH,

Mr. TORRENS expressed a hope that the principle of the bill would be favourably received by the House, and regretted that the measure did not apply to private bills other than railway bills, because great injury was often done by promoters of water and improvement bills.

Mr. ROEBUCK said the bill was a very admirable and curious specimen of British legislation. If that power were to be given to committees on railways, why not give it to all committees sitting upon private bills? He suggested this consideration to the Home Secretary, in order that they might not be laughed at out of doors on account of their peddling and inconsistent legislation. When the bill came into committee he would press upon his hon. friend the substitution of the words "every private bill" for the words "railway bill."

Mr. HODGSON believed that the measure would work exceedingly well.

Mr. M. GIBSON said he did not think that this question of costs had been carefully inquired into by any of the committees. The unsuccessful suitor at law was presumed to be in the wrong, and justly he might be called upon to pay the costs; but could it be said that a person who came to Parliament for power to make a railway was in the wrong? Could it be said that if he came a second time he was in the wrong? Could it be said that if he came a third time he was in the wrong? Yet, unless he had wrongfully vexed other parties, he ought not to be called upon to pay their costs. Whatever was done, they ought to be extremely cautious as to the safeguards to be adopted, so that the discretion of committees might not be exercised arbitrarily and capriciously. He thought that the bill should be referred to a select committee.

Mr. A. MILLS said that either the private bill committees must be strengthened or abandoned altogether. If the chairman of a committee at present said that it was unnecessary to prove a certain fact half-a-dozen times over—that it was not necessary to prove a fact a sixth time, it having already been proved five—he was told, "I hope you will allow me to conduct my own case."

Mr. LOWE, Lord HOTHAM, and Sir GEORGE GREY supported the bill.

The bill was then read a second time, and referred to a select committee.

FELONY AND MISDEMEANOR — EVIDENCE AND PRACTICE BILL.

Mr. DENMAN, in moving the second reading of this bill, said that it consisted of two parts. The object of the first part was to assimilate the practice in criminal cases to that which prevailed in civil cases, with respect to allowing counsel to sum up in criminal cases. Another provision was with reference to witnesses who might give evidence inconsistent with what they were then stating. There was also a provision as to cross-examination with reference to a previous statement made in writing, and he saw no reason why a difference should exist between civil and criminal cases in that respect. In cases of forgery, it was of the utmost importance that the opinions of experts should be had as to the character of the writing, and that witnesses should be allowed to see the documents. Every clause in the bill was already law in Ireland, and the English and Irish Law and Chancery Commission of last session recommended that the law should be made applicable to England also. In drawing the bill, he had confined its operation to felonies and misdemeanors: but he should propose that the enactments, as he now found was the case in Ireland, should extend to all courts of criminal judicature.

Mr. ROEBUCK asked—Why not affect all that was intended by the bill, by simply saying that the law in civil cases should be law in criminal cases?

Sir G. GREY stated that the Attorney-General, if present, would have given his assent, on the part of the Government, to the bill. In the learned gentleman's absence, he (Sir George Grey) assented to the second reading.

The bill was then read a second time.

COURTS OF JUSTICE BUILDING (DEFICIENCIES, &C.) BILL.

The report was brought up and agreed to.

THE CONVOCATION OF THE PROVINCE OF CANTERBURY—UPPER HOUSE.

Thursday, Feb. 17.

CLERGYMEN AND BARRISTERS.

The Bishop of OXFORD said that there was a very strong feeling on the part of a large body of influential clergymen that some action was necessary in respect of clergymen who desired to abandon their clerical functions. He was not inclined to condemn the decision at which the inns of court had lately arrived; on the contrary, he thought it rather a good thing, but at the same time, he thought they were bound to take some steps to meet any possible evils that might arise from it. Under this new arrangement a clergyman called to the bar might plead all the week at the Old Bailey, and then go down into the country on the Sunday, to give country villages the benefit of his spiritual instruction, returning to resume his forensic operations on the Monday morning. He suggested that when a clergyman was admitted to practice at the bar, it should be in the power of the bishop to enter in his register an affidavit to that effect, and that that should amount to a perpetual sentence of suspension from all spiritual offices. The right reverend prelate concluded by moving the following resolution:—"It having been reported to this House that certain of the inns of court have resolved to admit to practise at the bar persons in holy orders of the Church of England—resolved, that the proper mode of dealing with persons professedly abandoning the exercise of their most sacred functions be committed to the joint committee of the two provinces, with a request that they will report thereon at Easter."

The Bishop of LINCOLN seconded the motion, and it was carried unanimously.

THE COURT OF APPEAL IN ECCLESIASTICAL CAUSES.

The Bishop of OXFORD, in presenting a large number of petitions on the subject of the court of appeal, from various dioceses, said he believed he represented the feelings of a large number of attached members of the Church of England. He would like to remind people of a remark made by the late Mr. Henry Drummond, in the House of Commons, namely, that the real contrast was between "religion" which was binding upon men, and what was called "liberality" because it set men free from all obligations of revealed truth. He felt bound to confess that at first sight he thought that in the existing Court of Appeal there were many grievous blots capable of easy remedy, which certainly, at all events, ought to be removed. He would refer for a moment to that very great blot, that the President of the Council had the power to select any of those who were to sit in any of these cases of doctrine. That great power was left to the Minister of the Crown for the time being, and though it was impossible that a high-minded man in such an office should pack a court, it was obvious that men might be placed upon it who were not attached to the doctrines of the Church of England. Such a practice was entirely exceptional in English legislation, and would never have been permitted if the court had been framed for the purpose to which it was now applied. The right rev. prelate concluded by moving that the petitions he had presented do lie on the table.

The Bishop of LONDON said he thought it would be admitted that they were all much obliged to the Bishop of Oxford, for in these days of latitudinarianism every word of warning and counsel was of the greatest possible value. It was a long time since the question of the constitution of the Court of Appeal in Ecclesiastical Causes began to be debated. It was debated with great ability in the time of his (the Bishop of London's) predecessor, who took the very responsible course of moving in the House of Lords for the substitution of another court. That proposal caused a debate memorable in the history of the Church of England, and memorable also in the annals of the Houses of Parliament. The subject had never been entirely forgotten since that time, but no plan for the improvement of the Court which seemed to have met with the public approval, had been the result of such inquiry. He did not mean to say that this led to the conclusion that a better court than that which now existed could not be constituted, but what he wished to convey was this, that although the subject had been long under consideration, both in and out of Parliament, and often as the bishops had considered it in their individual and corporate capacity, they had never been able to suggest any satisfactory substitute. One of the petitions urged that all lay chancellorships and other offices should be abolished. Such a proposion was totally unworthy the consideration of the House. What would any intelligent man say if it was urged upon him that the Dean of the Court of Arches should be a person in holy orders, or that the Chancellor of the Diocese of London should be a clergyman? He believed that the present court was formed for the purposes to which it was at present devoted, and that it assumed its present form in consequance of the recommendation of the commission on which Dr. Howley, Dr. Blomfield, Dr. Kaye, and other bishops sat. It was most desirable that persons who sat in that court should be members of the Church of England, and he hardly thought that the Lord President would be likely to select persons who were not members of the Church to sit there on theological cases. He had heard it said that the Lord Chancellor who sat in the Gorham case* was not a member of the Church of England; but he made a solemn declaration that he was a member of the Church before he took his seat for the first time on the Ecclesiastical Commission.† He contended that all the matters mentioned by the Bishop of Oxford were capable of remedy without re-opening the whole inquiry, which might do grievous injury to the Church, especially if, by assenting to such an inquiry, they endorsed as reasonable the statements contained in such petitions as had been presented to them.

The Bishop of St. David's, the Bishop of Lincoln, the Bishop of Salisbury, and other right rev. prelates, addressed the house on the subject, and the petition was ordered to lie on the table.

After receiving some communications from the Lower House, their lordships adjourned until the 16th of May.

IRELAND.

ATTORNEYS' CERTIFICATE TAX.

The following petition has been presented to Parliament by the Incorporated Law Society of Dublin:—

"To the Right Honourable, &c.

"The humble petition of Richard John Theodore Orpen, Arthur Barlow, and Edward Reeves, being the President and Vice-Presidents of the Incorporated Society of the Attorneys and Solicitors of Ireland, on behalf of themselves and the other members of their profession in Ireland, whose names are hereunto subscribed,

"Showeth,—That the attorneys and solicitors have just cause of complaint that, while modern legislation has materially reduced their professional profits, they are individually compelled to pay an annual tax, not imposed upon the members of any other profession.

"That the certificate duty, which was originally a war tax, has been not only continued, but increased in amount, after the State necessity, which alone could justify it, had ceased.

"That, besides the share of the general taxation of the country to which attorneys, along with the rest of the community, are liable, they are subject to heavy stamp duties upon indentures of apprenticeship, and upon their admission to practise in the courts of law and equity.

"That, while many taxes less objectionable in principle have been remitted, this tax, of an invidious and exceptional character, and oppressive upon individuals, has been retained, although the aggregate amount derived from it forms but an insignificant fraction of the general revenue of the country.

"Your petitioners, therefore, humble pray your honourable House, that the annual certificates of attorneys and

* Lord Truro.

† The Chancellor must be a member of the Church of England; he alone of the great officers of State is still practically subject to the restrictions of the Test Act.—ED. *S. J.*

solicitors in Ireland, and the duty thereon, may be wholly abolished."

This is an example we hope to see numerously followed both in England and Ireland, and we do not doubt that so objectionable an impost only requires a vigorous and united attack to overthrow it.

Sir Colman O'Loghlen, Q.C., M.P., has given notice of the following motion :—

Attorneys &c., Certificate Duty—Return of the amount received in each of the last five years, ending the 31st day of March, 1864, by the Commissioners of Inland Revenue, in respect of certificate duty payable by each of the following classes :—Attorneys and solicitors in England : attorneys and solicitors in Ireland; writers to the signet, attorneys, solicitors, agents, and procurators in Scotland; conveyancers, special pleaders, and draftsmen in equity in England, and conveyancers, special pleaders, and draftsmen in equity in Ireland.

Court of Common Pleas.

PRACTICE—COSTS—VENIRE DE NOVO—DISCONTINUANCE.

The following decision of this Court settles the practice as to costs under somewhat peculiar circumstances :—

Supple v. *The West of England Insurance Company.*—This case came before the Court on appeal from the decision of the Taxing Master. The plaintiff had obtained a verdict in this court, to which verdict the defendants filed exceptions. The exceptions were overruled by the full Court, and the case was afterwards brought into the Court of Error, where the decision given in the court below was reversed. A *venire de novo* was then granted. At this stage of the proceedings the plaintiff died, and his executrix entered a rule to discontinue. The opinion of the Taxing Master was to the effect that the defendants were not entitled, in the state of the record, to any costs previous to notice of trial. From that decision the defendants appealed.

The Court held that the judgment of *venire de novo* had the effect of extinguishing all costs up to that period, and that the plaintiff having then discontinued, the defendants were not entitled to costs.

Counsel for the plaintiff, Mr. Barry, Q.C., and Mr. Robert Ferguson. For the defendants, Mr. J. E. Walsh, Q.C., and Mr. O'Driscoll.

The New Crown Prosecutor.

Mr. Curran has, for many years, had very extensive practice in the Criminal Courts, in the defence of prisoners. His successful defence of Spollen, accused by his own wife of the murder at the Broadstone railway terminus, was characterised by great ability and skill. He was one of the counsel defending Richard Murphy, acquitted a few days since, of the murder of his sister. Mr. Curran also holds the office of Assessor of the Dublin City Municipal Revision Court.

Legal and Historical Society—Sullivan Prize Essay.

The Solicitor-General has selected the following as the subject for the present session of the essays competing for the prize instituted by him in this society :—"The system of legal reporting in this country and in England, with suggestions for its improvement." The essays to be sent in on or before the first day of Trinity Term, 1865.

Court of Queen's Bench.

EXTRAORDINARY CASE OF CRIM. CON.

The criminal law takes cognizance of an attempt to extort money by means of an accusation of an infamous crime; and penal servitude is the punishment fitly awarded to the offender. But, under the process of law, a charge as infamous may be made against any man, and the offender escape with impunity, whilst all the misery of suffering under a foul imputation, all the difficulty of rebutting it, and all the expense of heavy litigation, must fall upon the innocent accused. The case of *Echlin* v. *Brady*, at trial this week, before the Lord Chief Justice and a city special jury, is a painful example of the uses to which law may be put. It was an action brought to recover damages from a married man for criminal conversation with plaintiff's wife. On receiving the summons and plaint, the defendant made an application to the Court * to be furnished with particulars of the times when, and places where, the acts complained of occurred, grounding the application on an affidavit of the utter absence of any foundation for such a charge upon him. The motion was refused; and the case came on for trial. The case of the plaintiff rested wholly on the testimony of a servant-girl of the plaintiff, who deposed to having witnessed one act of immorality between the defendant and the plaintiff's wife. The case for the defence consisted of proof that the time when the transaction was said to have taken place was spent in the company of two persons of respectability, who were produced; that the plaintiff and his wife had continued to reside together after the period when the servant stated she had communicated to her master what she had witnessed; and that this same witness had stated to credible witnesses that the action was all "a plan," or "a do" on the part of her master and mistress to get more money out of the defendant, who had been assisting them in their difficulties; that the plaintiff had not "wholly lost, and been deprived of the comfort, fellowship, aid, and assistance of his wife in his domestic affairs" (as the old form of pleadings had it), as was fully proved by the evidence of an attorney who, being engaged against the plaintiff in certain other proceedings, received from him a letter dated subsequent to the period of the alleged disclosure, which stated that his (plaintiff's) wife would call in a day or two and arrange the matter; and the evidence went on to prove that Mrs. Echlin did in fact call upon the witness in pursuance of that letter from her husband and on his part. The jury almost immediately found for the defendant.

* 9 Sol. Jour. 291.

SOCIETIES AND INSTITUTIONS.

NATIONAL SOCIAL SCIENCE ASSOCIATION.

The seventh meeting of the department of Jurisprudence and Amendment of the Law of the National Social Science Association was held on Monday, the 13th instant, at the offices of the association, Thomas Webster, Esq., Q.C., F.R.S., in the chair.

The report of the standing committee on "The Concentration of the Courts and Offices of Law in London," was read.

A discussion ensued, in which Mr. Teulon, Mr. Stuart, Mr. E. W. Field, Mr. F. Hill, Mr. Hastings, Sir F. H. Goldsmid, Bart., M.P., Mr. Cookson, Mr. A. J. Williams, and the chairman took part.

It was moved by Mr. Hill, and seconded by Mr. Teulon, "That the report now read be adopted."

The motion was carried unanimously.

On the motion of the chairman, seconded by Mr. Field, a vote of thanks to Mr. Williams for his "statement" on the subject, prepared by order of the council, was carried unanimously.

A paper by the Rev. Nash Stephenson, M.A., was read, on "The Probate and Succession Duty levied on Property left under General Power of Appointment."

After some conversation, in which Mr. Teulon, Mr. Cookson, Mr. Field, Mr. Williams, and Mr. Hastings took part, the paper was referred to the standing committee for consideration.

A vote of thanks to the Rev. Nash Stephenson for his paper was unanimously agreed to.

The department then adjourned to Monday, the 27th inst., when a report will be presented from the standing committee of the department on "The Law of Appeal in Criminal Cases."

The chair will be taken at eight o'clock.

LAW STUDENTS' JOURNAL.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

Mr. M. H. Cookson, on Equity, Monday, Feb. 27.
Mr. J. N. Higgins, on Conveyancing, Friday, March 3.

LAW STUDENTS' DEBATING SOCIETY.

At the meeting of this society on Tuesday, the 21st February inst., Mr. Bradford in the chair, the following question was discusssed—viz., "The owner of two houses A and B, the drain of the former of which passes under the latter, sells the latter without expressly reserving the right of drainage. Can the purchaser stop the drain? *Suffield* v. *Brown*, 10 Jur. N. S. part 2, p. 67."

Mr. Hills opened the question in the affirmative, but the society came to a decision in the negative by a narrow majority.

ADMISSION OF ATTORNEYS.

Queen's Bench.

NOTICES OF ADMISSION.

Easter Term, 1865.

[The clerks' names appear in small capitals, and the attorneys to whom articled or assigned follow in ordinary type.]

ADAMS, FRANCIS THOMAS.—Edward Hopkins, Alresford.

AMOS, JOHN JAMES.—George Amos, Wye; George L. Phipps Eyre, John-street, Bedford-row.

ANDERSON, JOHN EUSTACE.—Eustace Anderson, Ironmonger-lane.

ATKINSON, JOHN.—Richard Gibson, Hexham.

ATKINSON, JOHN FREDERICK HENRY.—Andrew Tucker Squarey, Liverpool; J. Atkinson, Liverpool.

BALCH, JOHN HENRY MICHELL.—John Balch, Bruton.

BATHAM, WILLIAM.—William Bristowe, Greenwich.

BELK, GEORGE.—John Wilkinson Smith, Nottingham.

BELL, THEODORE.—James Bell, 21, Abchurch-lane.

BILLINGS, SAMUEL BRUCE.—Edward Thomas Mason, 13, Bedford-row; Nathaniel Mason, 13, Bedford-row; John Henry James, 62, Lincoln's-inn-fields.

BLEECK, CHARLES ALBERT, B.A.—Edmund Davies, Wells; Henry Bernard, Wells.

BLEWITT, WILLIAM.—William Richard Preston, 13, Gresham-street.

BLOOD, WILLIAM BINDON.—Charles Douglas, Witham; J. Vallance, Essex-street.

BOULTON, EDWARD.—Messrs. Boulton & Sons, 21A, Northampton-square, Clerkenwell.

BOURNE, THOMAS CHARLES.—John William Danby, Lincoln.

BRIGGS, WILLIAM.—Jeremiah Briggs, Derby.

BULLEY, WILLIAM ENGELBERTS.—John Williams Hawkins, 2, New Boswell-court; Edward Bloxam, 2, New Boswell-court.

BURY, THOMAS.—Thomas B. Acton, Wrexham.

BUTCHER, WEBSTER.—William Lund, Castle-street, Holborn.

CAMMACK, EDMUND.—Charles Foster Bonner, Spalding.

CLABBURN, JAMES WILLIAM.—Thomas Brightwell, jun., Norwich; Charles Edward Abbott, Lincoln's-inn-fields.

CLARKE, JOHN HENRY.—Charles Stewart Clarke, Bristol.

CLEVERTON, FREDERICK WILLIAM.—F. W. P. Cleverton, Plymouth; George F. Jackson, Plymouth.

COTTON, FRANK.—H. M. Cotton, 64, Chancery-lane.

CROOK, JAMES.—Christopher Crook, Chorley.

DAW, CHARLES JAMES.—William Cornish Cleave, Crediton.

DOLLING, ROBERT DUNDAS.—James Thomas Bolton, Elm-court.

EADES, GEORGE LAVENDER.—George Eades, Evesham.

EDEN, JOHN, JUN.—J. F. Stanistreet, Liverpool.

ELLISON, JOHN.—James Cator, Bradford.

FRY, SAMUEL, JUN.—Charles Kingdon, Holsworthy; Edward Shearm, Holsworthy.

GOULTER, MORSE.—Charles Taddy, Bristol.

GRIFFITH, JOHN LLOYD.—Edward Evans, Chester.

GRIFFITHS, GEORGE ALEXANDER.—William L. Whitmore, 7, John-street, Bedford-row; Edward Lambert, 62, Chancery-lane.

GUDGEON, GEORGE.—James Gudgeon, Stowmarket.

HANCHETT, WILLIAM JOHN HENRY.—Ephraim Wayman, Cambridge.

HARRISS, ALFRED EDMUND.—Charles M. Stretton, 18, Southampton-buildings, Chancery-lane.

HARWARD, EDWARD NETHERTON.—R. Daws, Angel-court, Throgmorton-street.

HEBB, WILLIAM.—Thomas S. Merrifield, Wainfleet All Saints, Lincoln.

HIND, JESSE.—George Deverill, Nottingham.

HODSON, WILLIAM, JUN.—Thomas Coppard, Henfield, Sussex.

HOTHERSALL, THOMAS.—William Wheeler, Clitheroe.

HUBBARD, JOHN.—Arthur Brewin, 25, Austin-friars.

HUGHES, EDWARD ARTHUR.—Thomas Hughes, Wrexham; Griffith Thomas, Commercial-rooms, Mincing-lane.

HUGO, WILLIAM HENRY TEMPLE.—James Searle, Crediton.

HUNTER, LESLIE.—James H. Linklater, 7 Walbrook.

HUSTWICK, THOMAS HENRY.—Thomas Hustwick, Soham.

IMESON, JOHN FORSTER.—John Pick Allison, Thirsk.

JARROLD, CHARLES FREDERICK.—Edmond Foster, Cambridge.

JONES, WATSON ROBERT.—Joseph Bridgman, Chester.

JONES, JOSEPH JOHN ALLEY.—Thomas Alley Jones, 1, Clifford's-inn.

JOYNT, GEORGE.—Thomas P. Burbury, Stourbridge.

KIMBER, EDMUND.—Henry Kimber, Lancaster-place, Strand.

KNOWLES, ROBERT ANDREW.—James Knowles, Bolton.

KNOWLES, JAMES HARDCASTLE.—James Knowles, Bolton.

LAMBERT, HENRY WILLIAM.—Richard Ridehalgh, Bradford.

LATHAM, CHARLES.—William Latham, Melton Mowbray.

LEVIRTON, MAURICE HARRIS.—Edwin Howard, 66, Paternoster-row.

LLOYD, HERBERT JOHN.—Walter Lloyd, Carmarthen.

LLOYD, WILLIAM WYNN.—John R. Griffith, Llanwrst.

LOVELL, WILLIAM GEORGE WHITTALL.—Benjamin W. Aplin, Banbury.

LUPTON, THOMAS.—Paul Catterall, Preston.

MANBY, WILLIAM EDWARD.—William Manby, Wolverhampton; George Wright Greenwood, 89, Chancery-lane.

MARSLAND, BENJAMIN.—Thomas Keene, 77, Lower Thames-street.

MARTIN, JAMES CONOLLY.—William Henry Rennolls, Deal.

MAYNARD, WILLIAM.—Watson W. Hayne, 24, Red Lion-square; F. T. Dubois, 3, Church-passage, Gresham-street.

MERRICK, WILLIAM, JUN.—William Merrick, Bradford-on-Avon; William Gaisford, Berkeley.

MESNARD, CHARLES LEONARD.—George Smith Ranson, Sunderland.

MITCHELL, WILLIAM.—Richard Enfield, Nottingham.

MOLINEUX, CHARLES HURLOCK.—Bernard H. Hunt, Lewes.

MORGAN, WILLIAM.—Richard Greenway, Pontypool.

NEATE, ARTHUR EDMUND.—Henry Ford, Exeter; Edward Francis Bigg, 38, Southampton-buildings; Charles Mallam, 1, Staple-inn.

PAGE, FREDERICK JULIAN.—Francis F. Jeyes, 22, Bedford-row.

PATEMAN, JOHN THOMAS.—R. H. G. Wilson, Uppingham.

PHILIPSON, JOSEPH ATKINSON.—Robert R. Dees, Newcastle-upon-Tyne.

POOLE, ARTHUR CHARLES.—W. H. Myers, Manchester.

POPHAM, JAMES.—John Evans, John-street, Bedford-row.

POTTER, JAMES BIGGS.—H. F. T. Miller, Frome Selwood; William Dunn, Frome Selwood.

PRESCOT, CHARLES WARRE.—Henry L. Pemberton, Whitehall-place.

PROCTOR, WILLIAM, JUN.—George Moore, Durham; Robert Stafford, Durham.

READHEAD, JOHN ALLEN.—Frederick Baker, Derby; E. H. Rickards, Lincoln's-inn-fields.

RICHARDSON, WALTER.—Charles Smith, Tokenhouse-yard.

ROBERSON, CHARLES AUGUSTINE.—Thomas Coombs, Dorchester.

RODEN, WILLIAM MASON.—William Boycott, Kidderminster.

ROOKE, FREDERICK HENRY.—Thomas James Rooke, 17, Bedford-row.

SCARD, JOHN COWPER.—John Scard, Great Saint Helen's.

SCOTT, THOMAS.—Joseph Arrowsmith, Thirsk.

SHARP, WILLIAM THOMAS.—John Sharp, Lancaster.

SHRAPNELL, HENRY.—George Spackman, Bradford.

TATE, EDWARD BOOTH.—William Slater, Manchester.

TAYLOR, THOMAS COMPTON FARNWORTH.—Robert Taylor, Furnival's-inn; William Brittan, Bristol.

THOMAS, GEORGE WILLIAM.—Charles Rice, Boston.

TIPPETT, EDWARD PETER.—Philip M. Little, Devonport.

TOLHURST, ALFRED.—George M. Arnold, Gravesend.

TURNER, OCTAVIUS THOMAS.—William Robotham, Derby.

WAGSTAFFE, M. MAWE, B.A.—William Crossman, 3, King's-road, Bedford-row.

WARE, RICHARD.—Reginald A. Parker, 41, Bedford-row.

WATERWORTH, JOHN JAMES.—Thomas Waterworth, Keighley.

WAVELL, EDMUND MINSON, JUN.—Edmund M. Wavell, Halifax.

WEEDON, GEORGE.—William Gardiner, Uxbridge.

WHISTON, WILLIAM HARVEY.—William Whiston, Jun., Derby.

WIGHTMAN, ARTHUR.—Bernard Wake, Sheffield.

WILLIAMS, EDWARD BLISS.—W. H. Watson, 12, Bouverie-street.

WILSON, CHARLES MAURICE.—Thomas Senior, Bradford.

WILTON, EDWARD HENRY.—George Smith, Salisbury.

WISE, WILLIAM.—Henry A. Salmon, Bristol.

WITHAM, PHILIP.—Francis R. Ward, 1, Gray's-inn-square.

Easter Term, 1865, *pursuant to Judges' Orders.*

BELLAMY, MILES COVERDALE.—W. Kimberley, Birmingham; Edward R. Pope, 26, Old Broad-street; and J. M. Green, Birmingham.

GRAHAM, JOHN EDWARD THORLEY.—J. J. P. Moody, Scarborough.

KILVINGTON, FREDERICK RICHARD.—Charles Walter, Kingston-upon-Thames.

POCOCK, JOHN NEAT.—James Sharpe, Southampton.

Easter Vacation, 1865, *pursuant to* 23 & 24 *Vict. c.* 127.

FULLAGAR, WALTER PALMER.—Harry James Davis, Leicester.

PUBLIC COMPANIES.

ENGLISH AND SCOTTISH LAW LIFE ASSURANCE ASSOCIATION.

The annual meeting of this association was held on Wednesday. It was reported that the number of new policies effected in 1864 was 422, insuring £326,000, and producing in new premiums £10,718. The renewal premiums were stated to be £74,712, and the assets £554,144.

KNOTTY QUESTIONS.—In 1806 Mr. Mason and one son were drowned at sea, his remaining eight children went to law, some of them against the others; because if the father died before the son £5,000 would be divided equally among the other eight children, whereas if the son died before the father the brothers only would get it, the sisters being shut out. A few years afterwards Job Taylor and his wife were lost in a ship wrecked at sea; they had not much to leave behind them, but what little there was was made less by the struggles of two sets of relatives, each striving to show that one or other of the two hapless persons might possibly have survived the other by a few minutes. In 1819 Major Colclough, his wife, and four children were drowned during a voyage from Bristol to Cork; the husband and wife had both made wills, and there arose a pretty picking for the lawyers in relation to survivorships and next-of-kin, and trying to prove whether the husband died first, the wife first, or both together. Two brothers, James and Charles Corbet, left Demerara on a certain day in 1828, in a vessel of which one was master and the other mate; the vessel was seen five days afterwards, but from that time no news of her fate was ever received. Their father died about a month after the vessel was last seen. The ultimate disposal of his property depended very much on the question whether he survived his two sons, or they survived him. Many curious arguments were used in court. Two or three captains stated that from August to January are hurricane months in the West Indian seas, and that the ship was very likely to have been wrecked quite early in her voyage. There were, in addition, certain relations interested in James's dying before Charles, and they urged that, if the ship was wrecked, Charles was likely to have outlived, by a little space, his brother James, because he was a stronger and more experienced man. Alas for the "glorious uncertainty?" One bigwig decided that the sons survived the father, and another that the father survived the sons. About the beginning of the present reign three persons—father, mother, and child—were drowned on a voyage from Dublin to Quebec; the husband had made a will, leaving all his property to his wife; hence arose a contest between the next-of-kin and the wife's relations, each catching at any small fact that would (theoretically) keep one poor soul alive a few minutes longer than the other. About ten years ago a gentleman embarked with his wife and three children for Australia; the ship was lost soon after leaving England; the mate, the only person who was saved among the whole of the crew and passengers, deposed that he saw the hapless husband and wife locked in each other's arms at the moment when the waves closed over them. There would seem to be no question of survivorship here; yet a question really arose, for there were two wills to be proved, the terms of which would render the relatives much interested in knowing whether husband or wife did really survive the other by ever so small a portion of time.—*Dickens's All the Year Round.*

THE MARRIAGE LAW IN PRUSSIA.—It has recently been determined by the Prussian authorities that marriages not conducted by the ministers of the Evangelical or Roman Catholic churches have no official validity. All the children of such marriages are declared illegitimate, and are to have none of the rights assured by the law to legitimate children. In all official lists (as the census, the police catalogues, &c.), and in all judicial proceedings, the mother is to bear only her maiden name, and the same is to be the case with her children. The feeling created by this intolerant regulation, can be better imagined than described.

"WOMAN'S RIGHTS."—A novel question has arisen at Oxford respecting the rights of lady governors of the Radcliffe Infirmary. At the October quarterly court two ladies entered the room and tendered their votes on the election of a committee. This was an unprecedented circumstance, and the Master of University College, who presided on that occasion, would only receive the votes under protest. At the quarterly court last week five ladies attended, and a long discussion took place, two propositions being submitted—one denying their right of attending, and the other proposing that counsel's opinion be taken on the question. The advocates of the former urged the usage of eighty years, and relied on a phrase in the rules —"ladies subscribing as governors," as implying a distinction between them and the other sex. On the other side it was shown that ladies had the privilege of voting by proxy on certain occasions, and that proxies invariably conferred an additional and not a limited right. This view eventually prevailed, and it was consequently considered unnecessary to obtain a legal opinion. Professor Westwood has, however, since published a letter which, while admitting the right to vote of unmarried ladies, contends that this is a chattel interest, which, in the case of married women, is vested in their husbands. The dispute will therefore, probably be revived.

THE CRIME OF EAVESDROPPING.—Our ancestors seem to have had a praiseworthy horror of news obtained in an underhand manner, and the enactments with reference to listeners and "eavesdropper" were very numerous. At Hartlepool, the fine for "lystening about anie man's wyndowes to here his secretes," was twelvepence. At Lancaster, the fine for "an eavesdropper standing under anie man's eaves, wall, or window," was three shillings and fourpence, in addition to which, those detected were to be carted about the town, "and then expulsed forth." The authorities of Liverpool punished a man for "listening under the church-wall to what the jury did say."—*Chambers's Journal.*

ESTATE EXCHANGE REPORT.

AT THE GUILDHALL HOTEL.

Feb. 16.—By Mr. MARSH.

Freehold house and premises, being No. 25, Gray-street, Blackfriars—Sold for £460.

Freehold land, containing 7a 2r 11p, situate at Brox, Surrey—Sold for £700.

Feb. 17.—By Messrs. NORTON & TRIST.

Freehold property, known as Cox's Livery Stables, situate in Stamford-street, and 4 houses, being Nos. 10 to 13, Bennett-street, Blackfriars—Sold for £5,600.

Freehold house, being No. 8, Stamford-street, Blackfriars—Sold for £960.

Freehold house, being No. 25, Bennett-street, Blackfriars—Sold for £650.

Freehold, 2 houses, being Nos. 20 and 21, Bennett-street, Blackfriars—Sold for £950.

Freehold house, being No. 16, Bennett-street, Blackfriars—Sold for £650.

Freehold, 3 houses, being Nos. 62, 63, and 63A, Brunswick-street, Blackfriars, with warehouse in the rear—Sold for £1,200.

Freehold house being No. 14, Stamford-street, Blackfriars—Sold for £1 210.

Freehold house and shop, being No. 15, Stamford-street, Blackfriars—Sold for £999.

Freehold house and warehouse, being Nos. 16 and 16½, Stamford-street, Blackfriars—Sold for £1,640.

Freehold 2 houses, being Nos. 17 and 18, Stamford-street, Blackfriars—Sold for £1,910.

Freehold saw mills, timber yard, loft, and house, &c., situate in Brunswick-street aforesaid—Sold for £2,290.

Freehold, 2 houses, being Nos. 4 and 5, Brunswick-street aforesaid—Sold for £760.

Freehold, 2 houses, being Nos. 9 and 10, Brunswick-street aforesaid—Sold for £720.

Freehold, 3 houses, being Nos. 6, 7, and 8, Brunswick-street aforesaid Sold for £1,000.

Freehold, the Prince of Brunswick public house, being No. 58, Brunswick-street aforesaid—Sold for £840.

Freehold, house and manufacturing premises, Nos. 14 and 15, Bennett-street, and shop and 4 houses being Nos. 53 to 57, Brunswick-street aforesaid—Sold for £3,550.

Freehold, shop and two houses, being Nos. 59 to 61, Brunswick-street aforesaid—Sold for £1,200.

Feb. 21.—By Messrs. DEBENHAM & TEWSON.

Freehold residence, situate in Gordon-road, Peckham; estimated annual value, £40—Sold for £600.

Leasehold, 4 houses, being Nos. 15 to 18, Silurian-terrace, Broke-road, Dalston; term, 80 years unexpired; ground-rent, £20 per annum—Sold for £780.

Leasehold residence, being No. 1, Stonefield-street, Cloudesley-square, Islington; let at £35 per annum; term 40½ years, from Christmas last; ground-rent, £5 per annum—Sold for £330.

Leasehold, improved rental of £14 10s. per annum for 22 years; secured upon a house and shop, being No. 67, Lamb's Conduit-street, Holborn—Sold for £250.

AT GARRAWAY'S.

Feb. 9.—By Messrs. CHAPTER & SON.

Freehold premises, known as the Bear Inn, situate at Crayford Kent—Sold for £1,260.

Feb. 10.—By Messrs. RUSHWORTH, JARVIS, & ABBOTT.

Freehold residence, with pleasure grounds and meadow land, containing about 2a 1r, situate at Perry-vale, Forest Hill, Sydenham—Sold for £2,010.

Feb. 13 —By Messrs. DANIEL CRONIN & SONS.

Leasehold, the Prince William Henry public-house, being No. 230 Blackfriars-road—Sold for £2,100.

Feb. 21.—By Messrs. H. H. OXENHAM.

Leasehold, house, being No. 92, Oxford-street; let on lease at £170 per annum; term, 60 years from 1839; ground-rent, £64 per annum—Sold for £2,000.

Feb. 23.—By Messrs. ELLIS & SON.

Leasehold premises, being No. 17, Little Tower-street, City; term, 26 years unexpired; ground rent, £200 per annum—Sold for £7,500.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

ELLERTON—On Feb. 17, at Westbourne-park, the wife of John Ellerton, Esq., Solicitor, of a son.

HALL—On Feb. 17, at Boothdale, near Ashton-under-Lyne, the wife of Henry Hall, Esq., Solicitor, of a daughter.

WARD—On Feb. 19, at Woodriding, Pinner, the wife of N. Ward, Esq., of the Registrar's Office, of a son.

MARRIAGES.

EDWARDS—LLOYD—On Feb. 21, at St. John the Baptist, Frenchay, Gloucestershire, Jeffery, only son of T. Edwards, Esq, Totnes, to Mary A., daughter of E. S Lloyd, Esq., Q C.

LLOYD—KELLY—On Feb. 16, at St. John's, Paddington. John H., second son of Dr. Lloyd, Birmingham, to Blanche G., second daughter of James B. Kelly, Esq., Solicitor, Lincoln's-inn fields.

LYONS—FALLON—On Feb. 9, at Dublin, Joseph Lyons, Esq., Maryborough, Queen's county, Solicitor, to Annie, youngest daughter of the late Alderman Fallon, Dublin.

LUARD—LEE—On Feb. 16, at the Parish Church of Hove, Brighton, William R. Luard, Esq., of Verulum-buildings, Gray's-inn, to Louisa A. Lee.

DEATHS.

COGAN—On Feb. 13, at 42, Blessington-street, Dublin, Martin Cogan, Esq., Solicitor.

HARRIS—On Feb. 16, at Barnet, Emily Phillott, daughter of S. Harris, Esq., Solicitor, aged 4.

HIGGENDEN—On Feb. 17, at Milner-square, Islington, Walter, son of J. Higgenden, Esq., Solicitor, Walbrook, E.C., aged 18.

HORN—On Feb. 17, at Clarges-street, Piccadilly, H. G. Horn, Esq, for many years clerk of arraigns on the Western Circuit, aged 64.

MACKENZIE—On Feb. 16, at Edinburgh, J. H. Mackenzie, Writer to the Signet, aged 55.

MAYNE—On Feb. 11, at Springmount, Dundrum, Joseph St. Clair Mayne, Esq., Solicitor

MORRISON—On Feb. 16, at Carey-street Lincoln's-inn, Robert Morrison, Esq., aged 43.

PIGGOT—On Feb. 10, at Ryde, Isle of Wight, Deborah, Widow of the late Hon Elphinstone Piggot, Chief Justice of the Island of Tobago, West Indies, aged 89.

STEWART—On Feb. 16, at St. John's-wood, Elizabeth M., wife Chas. Stewart, Esq, Barrister-at-Law.

DONG—On Feb. 10, at Croydon, William Long, Esq, of Clifford's inn, aged 69.

UNCLAIMED STOCK IN THE BANK OF ENGLAND.

The amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BIRD, ROBERT, Taplow, Bucks, Esq., CHARLES ROBINSON BIRD, Oxford, Esq. 6 Dividends on various sums of Reduced £3 per Cent Annuities—Claimed by said C. R. Bird.

DAWSON, RICHARD KENNET, Yorkshire, Esq., deceased. £1,422 15s. 11d Reduced £3 per Cent. Annuities—Claimed by Mary Ann Kennet Dawson, widow, the administratrix.

FELTHAM, DAVID, Coombe Bissett, Wilts, Farmer, deceased. £80 18s. 2d. Consolidated £3 per Cent. Annuities—Claimed by William Feltham Terrill, John Fleetwood, and John Woodlands, the acting executors.

LACK, WILLIAM, New Brentford, Middelesx, Esq. £400 Reduced £3 per Cent. Annuities—Claimed by the Accountant-General of the Court of Chancery.

MITCHISON, JOHN, jun., Sunbury, Middlesex, Esq. £1,200 New £3 per Cent. Annuities—Claimed by the Accountant-General of the Court of Chancery.

PACKER, SARAH, widow, and JOHN RANKIN, Esq., both of Epping, Essex. £130 New £3 per Cent. Annuities—Claimed by J. Rankin, the survivor.

TAWNEY, HENRY COPLAND, Headington, Oxford, Esq. £1,000 Consolidated £3 per Cent. Annuities—Claimed by said H. C. Tawney.

WINSTANLEY, EDWARD, Poultry, E C., Druggist, deceased. £25 2s. 8d. Consolidated £3 per Cent. Annuities—Claimed by William Wright, Jeremiah Glanvill, and Emma Winstanley, spinster, the executors.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

FRIDAY, Feb. 17, 1865.

LIMITED IN CHANCERY.

Audley Hall Co-Operative Cotton Spinning and Manufacturing Company (Limited).—The Master of the Rolls has fixed Feb 27, at 12, at his Chambers, for the appointment of an official liquidator.

Cappagh Mining Company (Limited).—Order to wind up by Vice-Chancellor Wood, Feb 11. J Sawyer, Fenchurch-st, official liquidator. Davies & Co, solicitors for the petitioner.

Brighton Brewery Company (Limited).—Petition for winding up, presented Feb 15, to be heard before the Master of the Rolls on Feb 25.

Friendly Societies Dissolved.

FRIDAY, Feb. 17, 1865.

Cross Club, Cross Inn, Old Swinford, Worcester. Feb 8.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Feb. 17, 1865.

Child, Wm, Deptford, Kent, deceased. March 11. Child *v* Warren, V.C. Kindersley.

Clarke, John, Farleigh, Surrey, Grocer. March 20. Jones *v* Lambert, M.R.

Eastman Geo, St George's-in-the-East, Stevedore. March 9. Eastman *v* Dennis, V.C. Stuart.

Gohegan, Richd, Bath-rd, Peckham, Gent. March 20. Ring *v* Barlow, M.R.

Higgs, Edwd, Pentonville-rd, Gent. March 14. Luke *v* Higgs, V.C. Kindersley.

James, Hugh, Burgh-by-Sands, Cumberland, Surgeon. March 10. James *v* James, V.C. Stuart.

Joyce, Wm, Kidsgrove, Stafford, Druggist. March 13. Buckland *v* Joyce, M.R.

North Devon Shipping Co, Lpool. March 20. Gregory *v* Patchett, M.R.

Saxon, John, Northwich, Chester, Grocer. March 11. Ellis *v* Saxon, M.R.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Feb. 17, 1865.

Austin, Jas, Larkhall-pl, Walcot, Bath, Gent. March 25. Stone, & Co, Bath.

Blackman, Wm, Gower's-walk, Rupert-st and Church-lane, St. Mary, Whitechapel, Cooper. March 25. Mitchell, Gt Prescott-st.

Brunsden, John, Broadwas, Worcester, Grocer. March 25. Hughes, Worcester.

Fenner, Geo, York-terrace, Hammersmith. March 13. Scoles, Bedford-row.

Foster, John, Woolwich, Kent, Bill Sticker. March 25. Gibson, Dartford.

Gregson, Joseph, Gainsborough, Lincoln, Gent. April 1. Hayes.

Harris, Fredk, Merthyr Tydvil, Glamorgan, Chemist. June 1. Davies & Son, Crickhowell.

Haywood, Edwin, Stephenson-ter, Worcester, Gent. March 25. Hughes, Worcester.

Horwood, Danl, West Cowes, Isle of Wight. March 14. Griffiths.

Lingard, John, Lpool, Plumber. March 29. Samuel, Lpool.

Nash, Wm, Lansdowne-ter, Brixton, Woollen Warehousemen. April 17. Wilde & Co, College-hill.

Oliver, John, Gt Prescott-st, Goodman's-fields, Whitechapel, Collector of Parochial Rates. March 25. Mitchell, Prescott-st.

Scott, Wm, Empshott Grange, Petersfield, Southampton, Esq. April 14. Poole & Gamlen, Gray's-inn-sq

Tew, Mary, St Mary, Bedford, Spinster. April 18. Pearse, Bedford.

Assignments for Benefit of Creditors.

FRIDAY, Feb. 17, 1865.

Banister, Thos, Northampton-rd, Clerkenwell, Grocer. Feb 15. Harrison & Lewis, Old Jewry.

Hill, Thos, & Elijah Ward, Perseverance Foundry, Birstol, York, Ironfounders. Feb 13. Humble, Bradford.

Orders registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Feb. 17, 1865.

Albinson, John Houghton, Lpool, Oakum Manufacturer. Feb 13. Conv. Reg Feb 15.

Allsopp, Elijah, Nottingham, Clock & Watch Maker. Feb 7. Comp. Reg Feb 14.

Andrews, Geo, Sheffield, York, Tailor. Jan 26. Conv. Reg Feb 14.

Atkinson, Thos, Newcastle-upon-Tyne, Provision Merchant. Jan 21. Conv. Reg Feb 15.

Attwood, Wm, Enfield, Grocer. Jan. 30. Assign. Reg Feb 13.

Baber, Alexander, Swansea, Glamorgan, Grocer. Jan 17. Conv. Reg Feb 15.

Barnes, Jas, jun, Manch, Beer Retailer. Jan 26. Comp. Reg Feb 13.

Blurton, Thos, High Holborn, Woollen Draper. Jan 23. Asst. Reg Feb 16.

Bowker, Hy, and Geo Bowker, Heckmondwike, York, Cloth Finishers. Jan 21. Conv. Reg Feb 16.

Bowker, John, Bloomsbury-sq, Commercial Traveller. Jan 28. Comp. Reg Feb 16.

Burtonshaw, Hy, Halifax, York, Fruiterer. Feb 1. Conv. Reg Feb 17.

Butler, Thos, Nottingham, Lace Manufacturer. Feb 11. Conv. Reg Feb 17.

Cooke, Edwin Haswell, South Newton, Wilts, Whiting Manufacturer Feb 2. Conv Reg Feb 14.

Copp, Jas, & Robt Copp, Gresse-st, Tottenham-ct-rd, Carpenters. Feb 1. Conv. Reg Feb 14.

Dannatt, Thos Parkin, & Hy Woodhead, Huddersfield, York, Flax Spinners. Jan 20. Conv. Reg Feb 16.
Duningham, Richd Chas, Ipswich, Suffolk, Innkeeper. Jan 28. Asst. Reg Feb 15.
Durden, Chas, Walworth-rd, Cheesemonger. Feb 13. Comp. Reg Feb 14.
Gilbert, Thos, King William-st, General Merchant. Feb 16. Comp. Reg Feb 17.
Glover, Joseph, sen, Leicester, Timber Merchant. Feb 10. Conv. Reg Feb 16.
Hall, Samuel, Halifax, York, Joiner. Jan 19. Comp. Reg Feb 16.
Hardiman, Jos, St Paul's-churchyd, Stationer. Jan 25. Comp. Reg Feb 16.
Hardwick, Benj, Leeds, York, Brush Maker. Jan 31. Comp. Reg Feb 17.
Harris, Richd Nidd, Nottingham, Silk Merchant. Jan 17. Asst. Reg Feb 14.
Jones, Peter Melvern, Lpool, Timber Merchant. Jan 21. Comp. Reg Feb 17.
Marriott, Wm, Leek, Stafford, Brewer. Feb 3. Conv. Reg Feb 17.
Martin, Philip, Gloucester-rd, Holloway, General Dealer. Feb 8. Comp. Reg Feb 15.
Minke, Wm, Old Kent-rd, Paper Stainer. Feb 4. Comp. Reg Feb 15.
Morgan, Edwin, High-st, Southwark, Hop Merchant. Feb 1. Comp. Reg Feb 16.
Morris, Jno, Birkenhead, Chester, Joiner. Jan 20. Comp. Reg Feb 16.
Norman, Jas Lucas, & Chas Lucas Norman, Sheffield, York, Builders. Jan 20. Conv. Reg Feb 16.
Norton, Joseph, Cambridge-ter, Paddington, Clerk to an Attorney. Feb 16. Conv. Reg Feb 16.
Page, Eliz, Drury Hill, Nottingham, Smallware Dealer. Jan 21. Conv. Reg Feb 16.
Pearce, Wm, Clerkenwell-gn, Gas Fitting Manufacturer. Feb 6. Comp. Reg Feb 16.
Pilling, Thos, & John Pilling, Radcliffe, Lancaster, Machinists. Jan 25. Comp. Reg Feb 15.
Potts, Gabriel Rawlings, Sunderland, Durham, Anchor Manufacturer. Jan 21. Conv. Reg Feb 17.
Polak, Jas. Gt Russell-st, Picture Dealer. Feb 8. Comp. Reg Feb 16.
Rees, David, Carmarthen, Provision Dealer. Feb 6. Conv. Reg Feb 16.
Romer, Francis, Westbourne-ter, Paddington, Clerk in the Admiralty. Feb 3. Arr. Reg Feb 11.
Scott, Jas, Lpool, Theatrical Manager. Jan 23. Conv. Reg Feb 17.
Simpkin, Wm, Birm, Fruiterer. Jan 26. Comp. Reg Feb 16.
Slade, John, Exeter, Innkeeper. Jan 31. Conv. Reg Feb 17.
Smith, Wm, Basinghall-st, Wholesale Milliner. Feb 3. Conv. Reg Feb 17.
Sparkes, Joseph, & Robt Sparkes, Oldham, Lancaster, Cotton Spinners. Feb 10. Comp. Reg Feb 16.
Statham, Jonathan Brown, Southport, Lancaster, Builder. Jan 20. Conv. Reg Feb 17.
Stevens, Jas, Torquay, Devon, Butcher. Feb 2. Comp. Reg Feb 16.
Suttaby, Constantine Foster, Thorney, Cambridge, Saddle Maker. Jan 30. Conv. Reg Feb 16.
Jeffrey, Thos, Cefn-y-Gailly, Denbigh, Farmer. Jan 27. Conv. Reg Feb 14.
Thompson, Joseph Logar, South Shields, Durham, Sail Maker. Feb 8. Conv. Reg Feb 16.
Thorman, Arthur Jas, Lime-st, Ship and Insurance Agent. Jan 30. Comp. Reg Feb 16.
Turner, Jacob, Beverley, York, Coal Merchant. Jan 21. Conv. Reg Feb 17.
Vosa, Jabez. Billiter-sq, Ship and Insurance Broker. Feb 8. Asst. Reg Feb 14.
Wade, Hy, New-st, Birm, Commission Agent. Jan 20. Comp. Reg Feb 15.
Wardle, Richd Jas, and John Baker, New Palace Wharf, Millbank-row, Millbank, Builders. Feb 3. Comp. Reg Feb 14.
Whitaker, Chas, Armley, York, Cloth Manufacturer. Jan 28. Comp. Reg Feb 17.
Wilcock, Thos, Greenheys, Manch, Grocer. Jan 18. Conv. Reg Feb 14.
Woodhouse, Jas, Holbeck and Leeds, York. Jan 23. Conv. Reg Feb 16.

Bankrupts.

FRIDAY, Feb. 17, 1865.

To Surrender in London.

Allen, Joseph, Mark-lane, Flour Factor. Pet Feb 10. Feb 28 at 1. Carr, Rood-lane.
Beedham, Stephen, & Jas Witherington, Fort-st, Spitalfields, Silk Manufacturers. Pet Feb 13. March 6 at 12. Smith & Co, Basinghall-st.
Broad, Chas, Montague ter, New Cross, Cork Cutter. Pet Feb 15. March 2 at 1. Holmes, Fenchurch-st.
Clancy, Jas Joseph, Milton-st. Pet Feb 15. March 6 at 11. Linklaters & Hackwood, Walbrook.
Dean, Hy. Brook-pl, Regent's-pk, Iron Bedstead Maker. Pet Feb 13. March 6 at 11. Marshall, Hatton-garden.
Eardley, Sir Eardley Gideon Culling, Bart, Florence, Italy. Pet Oct 20. March 6 at 11. Sydney, Old Burlington-st.
Gardner, Matthew, Sutton, Butcher. Pet Feb 13 (for pau). March 2 at 11. Hill, Basinghall-st.
Graham, Paul, New-street-sq, Printer. Pet Feb 13. Feb 27 at 12 Shaen & Roscoe, Bedford-row.
Haberfield, Thos Jos, Sutton-st, Soho-sq, Tailor. Pet Feb 15. March 2 at 12. Olive, Lincoln's-inn.
Haines, Hy Brunsden, Prisoner for Debt, London. Pet Feb 10 (for pau). March 6 at 12. Wilding, Titchborne-st.
Harvey, Wm, Prisoner for Debt, London. Pet Feb 14 (for pau). March 6 at 1. Goatly, Bow-st, Covent-garden.
Hayden, Wm Liles, Bishop's Stortford, Hertford, Tailor. Pet Feb 13. March 6 at 12. Mason & Co, Gresham-st.
Jones, Harriet Emily, Spinster, Holland-grove, Brixton, out of business. Pet Feb 15. March 2 at 11. Swan, Doctors'-commons.
Levy, Moss, Stoney-lane, Aldgate, Butcher. Pet Feb 13. March 6 at 12. Padmore, Westminster-bridge-rd.
McKnight, John, Clare-st, Clare-market, Boot Dealer. Pet Feb 13. March 2 at 12. Marshall, Lincoln's-inn-fields.
Maunsell, Wm Hare, Crompton-crescent, Attorney. Pet Feb 11. Feb 28 at 2. Cooper, St Martin's-lane.
North, Joseph, Hart-st, Grosvenor-sq, Grocer. Pet Feb 11. Feb 28 at 2. Hill, Basinghall-st.
Savage, Saml, Christchurch, Hants, Boot Maker. Pet Feb 14. March 2 at 12. Peacock, Gray's-inn.
Spurgin, Elijah Hy, Marshall-st, Golden-sq, Journeyman Upholsterer. Pet Feb 15. March 6 at 11. Peverley, Coleman-st.
Tebbutt, Joseph, Wint-ter, Poplar, Cheesemonger's Assistant. Pet Feb 13. Feb 27 at 12. Greenwood, Chancery-lane.
Twitchin, John, jun, Alpha-ter, Kilburn, Plasterer. Pet Feb 11. March 6 at 11. Marshall, Hatton-garden.
Walker, Hy, Kentish-town-rd, Commercial Traveller. Pet Feb 13. Feb 27 at 1. Mason & Co, Gresham-st.
Warr, Benj, Steeple Claydon, Bucks, Farmer. Pet Feb 13. March 2 at 1. Shepherd, Luton.
Weddell, Wm Hy, Lorn-rd, Brixton, Clerk in the Admiralty. Pet Feb 9. March 8 at 1. Gray, Old Broad-st.
Wemyss, Edwd, Prisoner for Debt, London. Pet Feb 11 (for pau) Feb 27 at 12. Scott, Staple-inn.
Wilkins, John, Heyfield, Oxford, Fellmonger. Pet Feb 8. March 6 at 2. Hawkins & Co, New Boswell-ct.

To Surrender in the Country.

Banks, Wm, Morpeth, Northumberland, Shoemaker. Pet Feb 13. Morpeth, March 6 at 6. Swan, Morpeth.
Black, Robt, Patricroft, Lancaster, Beer Retailer. Pet Feb 13. Salford, March 4 at 9.30. Swan, Manch.
Blake, John, Prisoner for Debt, Winchester. Pet Feb 7. Portsmouth, Feb 28 at 10.30. White, Portsea.
Bowen, Stephen, Narberth, Pembroke, Shoemaker. Pet Feb 13. Narberth, March 4 at 12. Lascelles, Narberth.
Conyard, Robt, Gt Yarmouth, Norfolk, Assistant to a Linen Draper. Pet Feb 14. Gt Yarmouth, March 3 at 12. Cufaude, Gt Yarmouth.
Cook, Wm Chas, Lower Horning, Norfolk, Butcher. Pet Feb 13. Norwich, March 2 at 11. Sadd, Norwich.
Crowther, John, York, Farmer. Pet Feb 13. Halifax, Feb 3 at 10. Holroyde, Halifax.
Davies, Wm, Hanley, Stafford, Gas Fitter. Pet Feb 15. Hanley, March 18 at 11. Tennant, Hanley.
Edden, Edwd, Chesterton, Cambridge, Market Gardener. Pet Feb 12. Cambridge, March 3 at 1. Hunt, Cambridge.
Elmore, Joseph, Flitton, Bedford, Market Gardener. Pet Feb 11. Ampthill, Feb 28 at 11. Stimson, jun, Bedford.
Evans, Thos, Denbigh, Miller. Pet Feb 13. Ruthin, Feb 27 at 10. Williams, Rhyl.
Foulds, Jas, Bradford, out of business. Pet Feb 14. Bradford, Feb 28 at 10. Dawson, Bradford.
Frost, John Bodley, Cullompton, Devon, Upholsterer. Pet Feb 10. Tiverton, Feb 24 at 11. Cockram, Tiverton
Halstead, Lawrence, Lpool, Upholsterer. Pet Feb 14. Lpool, Feb 28 at 3. Talbot, Lpool.
Hannath, David, Lincoln, Butcher. Pet Feb 14. Market Rasen, March 1 at 11. Haddelsey, Caistor.
Hirst, Wm Thos Ainley, Leeds, York, out of employment. Pet Feb 11. Leeds, Feb 27 at 11. Harle, Leeds.
Holbrook, Wm Northage, Sneiton, Nottinghamshire. Licensed Victualler. Pet Feb 13. Nottingham, March 29 at 11. Everall, Nottingham.
Hopkins, Hy, Scarborough, York, Marine Store Dealer. Pet Feb 13. Leeds, Feb 27 at 11. Simpson, Leeds.
Hughes, Thos Williams, Sheerness, Kent, Assistant Surgeon. Pet Feb 10. Sheerness, Feb 25 at 10.30. Morgan, Maidstone.
Jackson, John, Birkenhead, Chester, Coal Dealer. Pet Feb 14. Birkenhead, March 7 at 12.
Lowther, Geo, Lancaster, Fishmonger. Pet Feb 15. Doncaster, Feb 27 at 12. Shirley & Atkinson, Doncaster.
Lucas, Saml. Birm, Journeyman Brass Founder. Pet Feb 21. Birm, Feb 27 at 10. Parry, Birm.
Millard, Geo, Worcester, Printer. Adj Feb 13. Worcester, Feb 28 at 11. Rea, Worcester.
Mills, Joseph, Paddock, York, Woollen Yarn Spinner. Adj Feb 11. Leeds, March 6 at 11.
Mounsey, Hy, Darlington, Durham, Greengrocer. Pet Feb 14. Darlington, March 6 at 11. Dunn, Darlington.
Oliver, Geo, St Mary Church, Devon, Builder. Pet Feb 16. Exeter March 1 at 11. Campion, Exeter.
Pincombe, Wm, Pilton, Devon, Mason. Pet Feb 10. Barnstaple, Feb 28 at 12. Bromham, Barnstaple.
Roose, Thos, Garston, Lancaster, Sailmaker. Adj Dec 14. Lpool, Feb 27 at 3. Hime, Lpool.
Schiele, Christian. Manch, Engineer. Pet Jan 28. Manch, Feb 28 at 12. Sale & Co, Manch.
Smith, Robt, Prisoner for Debt. Cardiff. Pet Feb 15. Bristol, March 1 at 11. Press & Inskip, Bristol.
Stone, Wm Holmes, Manch, Hide Broker. Pet Feb 15. Manch, March 3 at 12. Bingham, Manch.
Thompson, Geo Hy, & Saml Thompson, York, Hay Dealers. Pet Feb 14. Leeds, March 6 at 11. Bond & Barwick, Leeds.
Williams, Hy, Boston, Lincoln, Draper. Pet Feb 14. Birm, Feb 28 at 11. Bailes, Boston.
Williams, Thos, Whitford, Flint. Pet Feb 13. Holywell, March 1 at 11. Davies, Holywell.
Williams, Wm, Cardiff, Glamorgan, out of business. Pet Feb 15. Cardiff, March 6 at 11. Bird, Cardiff.
Witham, Saml, Prisoner for Debt, York. Pet Feb 11. York, March 6 at 11.
Withers, Geo Hy, Leicester, Warehouseman. Pet Feb 13. Leicester, March 4 at 10. Arnall, Leicester.
Youdale, Jas, Guildford, Surrey, Draper. Pet Feb 11. Guildford, March 4 at 12.30. White, Dane's-inn.

BANKRUPTCIES ANNULLED.

FRIDAY, Feb. 17, 1865.

Bedford, Paul John, Ashley-pl, Westminster, Comedian. Feb 9
Cooks, Wm, Knighton, Radnor, Draper. Feb 13.